

Case 4:17 - cv - 00403

August 11, 2017

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DEVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED  
AUG 11 2017  
CLERK, U.S. DISTRICT COURT  
By unil  
Deputy

J Wesley ( Sandy ) Jones

Plaintiff

v.

Fort Worth Stage Employees  
Union Local 126 et al

Defendant

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§

Civil Action No. 4: 17 cv 00403 - Y

RESPONSE TO DENY DISMISSAL  
of Plaintiff's Amended Complaint.

Reply to Deny - Defendants Motion to Dismiss Amended Charge.

Due to the fact that Defendants Motion to dismiss is not an honest and true presentation of facts, and there is nothing in Rule 12 as presented that justified the denial of Case No. 4 : 17 – cv - 00403 Y; and the defendants have no just claim to recover attorneys expenses incurred in pursued of retaliation ; the plaintiff moves the Defendants Motion be denied, and whatever sanctions the court deems appropriate be implamented.

In support , the plaintiff files this document with the Court with additional documents in an appendix.

Defendants Motion to Dismiss is an unfair ruse, an act of retaliation. Mr. Rod Tanner states : “for lack of subject matter jurisdiction and for failure to state a claim on which relief can be granted.” Citing Rule 12(b)(1)and (6)

#1. Title VII provides a clear mandate from Congress that the United States will no longer tolerate discrimination in the workplace.

Congress established Title VII and Civil Rights Bill 1991 to eliminate discrimination and retaliation and relies on individual initiative and determination of employees to come forward to enforce their rights and oppose unlawful employment practices. There is no lack of subject matter. The plaintiff mandated by Congress has come forward. “ lack of subject matter jurisdiction.” is false. P1

#2 The Amended Charge item # 47 page 16 / page 46 in the appendix, indicates the defendants' attorney is disregarding evidence and has present a false allegation. " for failure to state a claim on which relief can be granted." is false.

#3. Attorney Rod Tanner has presented false assertions to deny the plaintiff's right to a fair hearing in Court. His document claims an excuse that : " Due to the incoherent and disjointed nature of *pro se* Plaintiff J Wesley ( Sandy ) Jones's ( Jones ) live pleading, his amended charge is exceedingly difficult to discern what claims he intends to assert and against whom he intends to assert them. " Mr. Tanner's assertion is offensive and defamatory and not honest in spirit or in fact. It is discrimination regarding a Pro Se plaintiff's right of representation, and presented in bad faith.

His " Grounds for Motion " to deny the plaintiffs right to defend himself Pro Se is deceptive and not justifiable grounds to deny any person of a fair trial on the merits of the case.

# 4. There are several matters to address :

The essential issue is another retaliatory act under Title VII :

- 1) The plaintiff filed a charge, protected activity ; 2) the defendant retaliated.
- 3) The retaliation is in temporal proximity to the protected action.

The Defendant's charged in a Federal District Civil action, Title VII Retaliation, has filed a Motion in retaliation - asking the plaintiff to pay the defendants attorney fees incurred, while engaged in the retaliation, for which the defendant is charged. That is the essence of their Motion.

This is so astounding I should present this again :

Defendant's charged in a Federal Civil action: Title VII Retaliation, filed a Motion in retaliation for the protected activity ( filing a civil action ) and are asking : " award attorney fees and costs to Defendants, and grant such further relief to which Defendants may be justly entitled." The Defendant incurred said *attorney fees* while engaged in retaliation which she ( the Union Local President ) is charged in this case, No. 4:17 – cv – 00403 Y. Now she wants her money back and all charges of Retaliation to be dismissed.

Defendant Faulk believes she is *entitled* to avoid accountability.

She is asking the person she pursued in retaliation for a year and more, to pay her attorney fees incurred during those retaliatory actions. The Defendants have amassed evidence of retaliation and her attorney failed his duty to restrain her illicit acts. The motion is essentially contending " I don't understang these laws. "

This " Motion is Direct Evidence of ( another ) infraction of retaliation under Title VII.

The relevant section of Title VII, § 706(g), 42 U.S.C. § 2000e-5(g) (1994), provides: If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay... or any other equitable relief as the court deems appropriate.

Title VII relies on individual initiative and determination to bring to light an employer's unlawful behavior. To achieve Title VII's goal of eliminating employment discrimination, employees must come forward to enforce their rights and oppose unlawful employment practices.<sup>8</sup> However, enforcement in the employment context is complicated by the threat of retaliation. There is little doubt that, absent some form of protection, employees would not come forward and file discrimination complaints for fear of employer retaliation. To deter employers from retaliating against employees, Congress included section 704, which states in relevant part: It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment... because [the employee] has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subsection.<sup>8</sup>

I, the Plaintiff, have been subjected to continual false accusations and retaliation from the time I asked for an appeal in a decision to deny my employment at the Rodeo, an Adverse Employment Action. I had reported Union Leaders were responsible for violations of their HH Rule for failure to assign qualified riggers. It was ( is ) is a matter of safety of people and they have yet to initiate corrective action, and continue to violate that crucial Rule. I know that my " individual initiative and determination " is a duty to Congress under these laws and I will remain resolute. Ms. Molly Faulk, the Queen Bee in this hive will not quit retaliation. The vindictive intent of her vendetta seems beyond reason or control, may be delusional. The evidence has been provided by them by their continuing actions, verbal and written statements and presented documents. Retaliation is not in question. It is an established fact.

I won't back down. Title VII protection is a thin shield against reality of personal retaliation. The Motion to Dismiss indicates retaliation has not concluded.

The motion to dismiss is not honest, and includes allegations which are in fact false. I therefore move the Motion be denied and case No. 4:17 – cv – 00403 Y proceed with proper respect, without further violations of law, in accord with Congressional mandate. This is a Title VII and Civil Rights Retaliation action concerning escalating continuing infractions of Federal Statutes and Union Rules. Jurisdiction is mandated by the United States Congress.

#5. Jurisdictional Subject Matter :

The Motion to Dismiss is antithetical to Congressional intent and the anti-retaliation statutes of Title VII and the Civil Rights Act of 1964 & 1991

**TITLE VII'S ANTIRETALIATION PROVISION: ARE EMPLOYEES  
PROTECTED AFTER THE EMPLOYMENT RELATIONSHIP HAS ENDED ?  
SANDRA TAFUmi**

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§704(a), 42 U.S.C. §2000e-3(a).

Title VII provides a clear mandate from Congress that the United States will no longer tolerate discrimination in the workplace.<sup>73</sup>

Courts have thus interpreted Title VII's terms within the spirit and intention of its drafters<sup>74</sup> and have seen it as their duty "to make sure that [Title VII] works, and [that] the intent of Congress is not hampered by a combination of a strict construction of the statute and a battle with semantics." <sup>75</sup>

Title VII relies on individual initiative and determination to bring to light an employer's unlawful behavior. To achieve Title VII's goal of eliminating employment discrimination, employees must come forward to enforce their rights and oppose unlawful employment practices.<sup>8 1</sup> However, enforcement in the employment context is complicated by the threat of retaliation. There is little doubt that, absent some form of protection, employees would not come forward and file discrimination complaints for fear of employer retaliation. To deter employers from retaliating against employees, Congress included section 704, which states in relevant part:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment... because [the employee] has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subsection.<sup>8</sup>

The plaintiff has a right and a duty mandated by Congress to oppose and report discrimination : without threats and actions of retaliation. Plaintiff Sandy Jones has done that but has been denied fair hearings in these matters. "Disciplinary action" based on false allegations has ensued ; Retaliation for filing a grievance and filing necessary charges with the NLRB. I have been assaulted by the employer's (spouse) supervising agent and fired, removed from employment.

(29 U.S.C. 412) SEC. 102. (5) Safeguards Against Improper Disciplinary Action. (b)

I was fined, ordered to anger management and threatened with removal for a " future violation".

[ Defendant Faulk filed a document January 23. 2016, threatening : " Any future repetition of the cited actions on your part will result in disciplinary action." That threat was her response to my Jan 22 letter of redress for an adverse employment action – denial of employment.] There is direct evidence, documentation and lots of " subject matter".

Title VII retaliation is an established fact.

My *violation* was to report a violation. That is a protected activity. Retaliation is not a protected activity, it is a violation of Title VII statutes.

This " Motion to Dismiss" is another act of retaliation : in temporal proximity to plaintiff's EEOC " Notice of Right to Sue " and subsequent Amended Charge filed in case No. 4:17 – cv – 00403 Y. Attorney Tanner is attempting to " distort and defeat the policies mandated by Congress".

# 6. The Grounds for Motion are false and not supported by the record. He has been a witness to the case in it's entirety. He knows the situation and that retaliation is a violation of law. And he knows it is exceedingly difficult to present an affirmative defense for multiple infractions. He is lying and seeking a dismissal on false grounds. Mr. Tanner's claim : "exceeding difficult to discern." is false. " The plaintiff need only give defendant fair notice of what claim is and grounds on which it is based." EEOC

# 7. Attorney Tanner states : " Moreover, despite his attempt to request relief under Title VII, there is no allegation in his Amended Charge whatsoever that would indicate that he is in a class protected by Title VII or that he has engaged in any activity of the type that Title VII protects. "

That is Direct Evidence of a false statement.

The Amended Charge includes a partial list of activity Plaintiff Jones engaged in:

As rigger responsible for a rigging project and safety, I filed a directive that qualified riggers be assigned in place of an unskilled worker, in accord with the union rules. A directive under OSHA is *protected activity* > [ *pa.* - to indicate protected activity. ]

The directive was not abided and the plaintiff reported incidents involving the unskilled worker. - *pa* -

11 months later I was denied employment in retaliation for my report.

( an Adverse Employment Action ) citing pretexts.

They cited (3) pretext. I stated I would appeal the decision, *pa.*

I was told : " No. Wes. ". ( an Adverse Employment Action ) Denial of Fair Trial

I filed a letter, *pa.*, which was responded to with :

" no further action in this matter is required. " And " Any future repetition of the cited actions on your part will result in disciplinary action." A written threat of Retaliation. ( Direct evidence : Threat of retaliation. )

I filed a case with the Federal Agency NLRB. *pa.*

I filed a grievance. *pa.* I tried to speak to Defendant Freeman. She said : " I can't talk , I'm seeing a lawyer." Mr. Rod Tanner. At that time he had the duty and responsibility to advise and prevent retaliation. After a full year of retaliation and lying to the NLRB, their attorney is attempting to defend his clients from a retaliation suit denying plaintiff's right to a fair trial, by dismissing the plaintiff's amended complaint with deceit.

December 4, 2016, Document states : " This is to inform you that you are removed from the IATSE Local work roster...."

Numerous actions and infractions are not included in the above list. There is no lack of subject matter" .

Mr. Tanner's action antithetical to Congress' intent and the anti-retaliation statutes of Title VII and the Civil Rights Act of 1964 - 1991.

The Defendants Motion to dismiss must be denied.

The plaintiff moves to preserve all rights of appeal.

# 8. Attorney Tanner states : there is no allegation in his Amended Charge whatsoever that would indicate that he is in a class protected by Title VII or that he has engaged in any activity of the type that Title VII protects. "

The Plaintiff objects. Claim of Error.

The defense attorney is responsible to know the basic relevant law.  
Protected Activity is :

Title VII makes it an unlawful employment practice for a person covered by the Act to discriminate against an individual "because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter." 42 U.S.C. § 2000e-3(a).

These items presented in the Plaintiff's Amended Charge are in fact activity covered under ( 42 U.S.C. § 2000e-3(a)).

#1. Filed a directive under Section 11(c) of the OSH Act.

The law forbids the employer from punishing or discriminating

#2. Declaration of intent to appeal. Upon notification of denial of employment.

#7 Jan 22, 2016, letter

#10. Grievance : Filing a grievance is protected activity.

#17. Filed Assault report with NLRB

#21. Filed Assault report with NLRB

# 23. Filed report H

#28. Filed Exhibit EB 1 with NLRB

#30. Filed Grievance with International IA

#34. Filed grievance with NLRB

#36. Affidavit #1 with NLRB

#38. Filed EEOC charge.

#42. Opposed illicit action

# 1. February 12, 2016 Opened Case # 16 – CB – 169743

refused to refer Sandy Wesley Jones for employment

# 2. June 1, 2016 Opened Case # 16 – CB – 177604 Harassment :

by harassing Jones in retaliation for filing charges with the NLRB

# 3. December 16, 2016 Opened Case # 16 – CB – 190082

causing him to be dismissed from a hiring hall call

# 4. February 14, 2017 Opened Case # 16 – CB – 193266

by refusing to process grievance(s)

P7.

# 5. March 24, 2017      Opened Case # 16 – CB – 195773

removing Sandy Wesley Jones from the hiring hall referral list

Additionally : all Appeals and Motions for Reconsideration are protected activity under ( 42 U.S.C. § 2000e-3(a)).

Filed Civil Action in Federal Court. Other protected actions may be presented.

The presumption : “ there is no allegation .. whatsoever... that he is in a class protected by Title VII or that he has engaged in any activity Title VII protects. ”

The presumption is refuted. The Plaintiff objects. Claim of Error.

# 9.      Mr. Tanner has stated : DECLARATION OF JAMES R TANNER  
“ All documents identified below are documents that I received in connection with my representation of Defendant Fort Worth Stage Employees Local 126 with regard to this civil action, certain unfair labor practice charges that Plaintiff J Wesley Jones filed with the national labor Relations Board, and an employment discrimination charge that Mr.Jones filed with the U.S. Equal Opportunity Commission. All such documents were created and received by me before Mr Jones filed this civil action. I am a custodian of all such documents in that they are now part of my case file pertaining to this matter.” Tab A – Tab G

This is Direct evidence that Mr. Tanner is and was cognizant that Plaintiff had filed multiple actions protected under ( 42 U.S.C. § 2000e-3(a). Jones initiated additional actions covered under Title VII and OSHA that are also protected activity.

“ The court further addressed the question of whether plaintiff had a good faith belief that he had challenged an illegal policy. If an employee has such a belief – even if the challenged policy is not actually illegal – the employee has engaged in protected activity. ”

# 10.      Mr. Tanner has blocked disclosure.

I requested addresses of some members of my Union from the recording secretary Glenn Farmer and he said he would send them but subsequently email. “ I have been advised by Rod Tanner that I am not      P8. authorized to disclose any contact information for our members.” I wrote a letter to Business Agent D.D. Freeman requesting the addresses and provided the :



## **Rule 26. Duty to Disclose; General Provisions Governing Discovery**

(a) REQUIRED DISCLOSURES. (1) *Initial Disclosure.*

(A) *In General.* Except as exempted by Rule 26(a)(1)(B) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties: (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information...

Ms. Freeman has failed any response and will not answer my phone call. Mr. Rod Tanner and the defendants refusal it proceed in accord with the Rules of Court precedure does not justify a motion to dismiss this Ciivil Action. Amended Complaint.

Plaintiff Sandy Jones has been waiting for waiver of summons response.

# 11. The plaintiff has no objection to filing a new Amended Charge. The plaintiff would like an opportunity to refine the charge. If the Court requests or advises a new amended charge I would happily oblige.

[ c ] Amending the Charge

EEOC regulations provide that a claimant may amend a charge of discrimination to cure technical defects or omissions, or to clarify and amplify the initial allegations. .... If the amendments involve acts that relate to or grow out of the subject matter of the original charge, the amendment will relate back to the date the charge was first received.....

Because filing a charge is an administrative prerequisite to filing suit, the allegations contained in the charge generally control the scope of the subsequent lawsuit. However, the subsequent suit need not mirror the allegations contained in the charge. Instead, a Title VII cause of action may be based not only on the allegations in the charge, but may also allege any discrimination " like or related " to the charges allegations, limited only by the scope of the EEOC investigation that could reasonably expected to grow out of the charge .....

.....courts evaluate whether the employee included sufficient facts in the EEOC charge to put the employer on notice that the employee may have additional allegations of discrimination.

[ e ] Pleading Requirements

cases under Title VII are not subject to a heightened pleading standard. A plaintiff in such a case is not required to plead a prima facie case in the complaint. Instead, the plaintiff is merely required to set forth a short and plain statement of his claim, which shows that the plaintiff is entitled to relief..... plaintiff need only give defendant fair notice of what claim is and grounds on which it is based.....Plaintiff need only allege enough facts to plausibly suggest that the employer discriminated against plaintiff due to plaintiff's membership in a protected group.

The defendants objection to the Amended Charge is not sufficient or reasonable Grounds to Dismiss a Civil Action, and deny the plaintiff his right to a fair hearing in accord with justice and law.

# 12. The Defendants " Motion to Dismiss " is Direct Evidence of ( another ) infraction of retaliation under Title VII.

The relevant section of Title VII, § 706(g), 42 U.S.C. § 2000e-5(g) (1994), provides: " If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice,...."

If Mr. Rod Tanner has difficulty comprehending the case charged against the Defendants it may be that they have not been forthcoming with him. There is evidence they have not been truthful with the Agents at the NLRB and are perhaps not being honest with him. This will leave him at some disadvantage as a defense attorney. I have included documents in the Appendix which should bring him up to speed. I have no intention or reason to deceive. My behavior has been correct, contrary to unsupported defamation.

#13. The " Motion to Dismiss " begins : " In accordance with Rules 12 9b)(1) and (6), federal rules of Civil Procedure, Defendants.....file this motion to dismiss Plaintiff's amended complaint (titled *Amended Charge*) for lack of subject matter jurisdiction and for failure to state a claim on which relief can be granted. "

*Amended Charge # 47, page 16 : Relief*

Congress has enacted the Civil Rights Act of 1991, which provide monetary damages. Title VII allows monetary, punitive, and compensatory damages to be awarded to Title VII plaintiffs. Congress made monetary damages available to encourage citizens to enforce the statute. The Civil Rights Act of 1991 works with Title VII to achieve the goal of eradicating discrimination.

An indication of relief sought

EXEMPLARY DAMAGES ( punitive ) allow recover for damages brought under sections 706 and 717.126, if the defendant acted with malice or reckless indifference to the federally protected rights of the employee.

COMPENSATORY DAMAGES allow recovery for "future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and non pecuniary losses.

Permanent injunctive relief

The defendants actions were planed, harsh, oppressive, and malicious. Terry resorted to lie that I hit him. He in fact hit me. He had brought a body guard – witness that disclosed the “plan” to the plaintiff but presented a different statement in the steward report. The steward threw a tirade in the storage area which attracted the Client who had to intercede. A similar incident was initiated during a “future” job and culminating October 31,16.

This stewards wife engaged in illicit disciplinary actions against the plaintiff in league with her husband's actions and removed the plaintiff from all employment by removing him from the “Roster”. This is an attack on the plaintiff's livelihood from a long term alliance with the IATSE Union.

The defendants acted fraudulently with malicious intent to retaliate and harm the plaintiff. The conduct was intentional, with conscious indifference to the rights of the plaintiff, and without justification or excuse. The plaintiff, therefore, seeks exemplary damages in the sum of \$ 100,000.00 .

Ms. Molly Faulk et al, has apparently enjoyed pursuing a vendetta at my expense. My time has been wasted by a duty to continue write numerous Grievances, reports, appeals, letters, and motions. These documents are not easy writing and consumes time and money. My photography work and other projects have been interrupted causing the loss of income. I'm not going to cry but this is a pox on spirit and soul. I should be compensated. The plaintiff, therefore, seeks compensatory damages, an additional \$ 100,001.00.

Plaintiff prays all Attorney fees and expenses be reimbursed. Also all expenses and time involved in this matter be compensated. Also front pay and back pay.

*Civil Rights Act of 1991*

In 1991, Congress reaffirmed and expanded its commitment to eradicating discrimination in the workplace by passing the Civil Rights Act of 1991.<sup>116</sup> The Civil Rights Act of 1991 strengthened existing protections and remedies available under federal civil rights law and provided more "effective deterrence and adequate compensation for victims of discrimination."<sup>7</sup> Although Title VII was intended to prohibit employers from discriminating, prior to the enactment of the Civil Rights Act of 1991, Title VII did not financially punish employers for their bad acts." Congress has enacted the Civil Rights Act of 1991, which, *inter alia*, allows monetary, punitive, and compensatory damages to be awarded under Title VII.<sup>22</sup> The 1991 amendments provide monetary damages to Title VII plaintiffs who prove intentional discrimination.

This change increases the cost employers will pay for intentional discrimination. Compensatory damages allow successful plaintiffs to recover for "future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses."<sup>24</sup> Punitive damages may be given if the plaintiff shows that the defendant acted "with malice or reckless indifference to the federally protected rights of [the] individual."<sup>2</sup>

The 1991 amendments permit compensatory and punitive damages in intentional discrimination cases brought under sections 706 and 717.<sup>126</sup> Congress made monetary damages available to compensate victims for their injuries, to provide more effective deterrence, and to encourage citizens to enforce the statute.<sup>127</sup> The Civil Rights Act of 1991 works with Title VII to achieve the goal of eradicating discrimination by imposing on employers a financial cost for their discrimination. Equally important, monetary damages provide employers with additional incentives to prevent intentional discrimination in the workplace before it happens.<sup>128</sup>

The 1991 amendments do not explicitly create a cause of action for former employees under section 704(a). Although some may argue that Congress reaffirmed its intention to exclude former employees from protection under section 704(a) by not expressly extending this protection as part of the Civil Rights Act of 1991, the purpose behind the Civil Rights Act of 1991 does not support this construction.

The intent of Congress is clear in Title VII and The Civil Rights Act of 1991 cited in the amended charge. The allegation that the Plaintiff failed to state a claim is false, and another infraction of Federal Rules of Civil Procedure.

#14a. Regarding : " Defendants respectfully request that the Court grant this motion under Rules 12(b)(1) and (6) and to enter an order dismissing the complaint with prejudice, awarding attorney fees and costs to Defendants, and grant such further relief to which defendants may be justly entitled."

The defendants motion to dismiss failed to present any conclusive evidence regarding cited Rules 12(b)(1) and (6). False presumptions, some blatant, were presented and have been rejoined by the plaintiff.

The motion to dismiss must be dismissed in its entirety with prejudice.

# 14 b. Awarding attorney fees and costs to Defendants, and grant such further relief to which defendants may be justly entitled."

The Defendants are not justly entitled to any relief from the plaintiff. P 12.

The plaintiff, Wesley Jones had a right to a fair trial in a denial of employment adverse employment action, under Union Rule ARTICLE SIXTEEN Discipline of Members – Section 2. Fair Trial. Member Wesley Jones was told : “ No, Wes. ” A violation of this rule which states in relevant part : “ Nothing ..... shall be construed to deprive a member charged with a violation thereof the right to a fair trial whereby his guilt or innocence may be determined...”

Wes was told : “NO. Wes.”. Jones properly filed a document in the matter and was threatened with “ disciplinary action”. Disciplinary action : retaliation has continued to this day. In that ensuing period the defendants employed an attorney. They did not need an attorney, they simply deeded to abide the rules and grant a fair trial. The defendant's chosen actions are entirely their responsibility. Jones is not liable for their actions or choice to pay an attorney in the matter. The attorney is ethically responsible to abide the law. Engagement in or failure to prevent retaliation not consistent with Congress' Title VII and The Civil Rights Act of 1991.

On the contrary, the defendants are justly liable for the expense incurred, by the plaintiff : In defense of Union member rights to safety and protection from intimidation - retaliation, by the actions and policies of this Labor Organization.

# 15. Plaintiff moves to Deny - Defendants Motion to Dismiss Amended Charge.

Due to the fact that Defendants Motion to dismiss is not an honest presentation of facts, and there is nothing in Rule 12 as presented that justified the denial of Civil Action No. 4 : 17 – cv - 00403 Y, Further the defendants have no Just claim to recover attorneys expenses incurred in pursuit of retaliation. The plaintiff moves : the Defendants Motion be denied, and whatever sanctions the court deems appropriate be implamented.

The Plaintiff moves to preserve right of appeal on relevant matters.

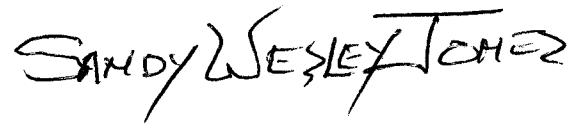
Title VII, § 706(g), 42 U.S.C. § 2000e-5(g)

(1994), provides: **If** the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay... or any other equitable relief as the court deems appropriate. P13.

The Plaintiff, Sandy Wesley Jones respectfully requests the Honorable Terry R. Means, Senior United States District Judge to dismiss and deny the defendants " Motion to Dismiss Plaintiff's Amended Complaint, without prejudice in accord with law and justice.

Sandy Weslwy Jones

August 11, 2017

A handwritten signature in black ink that reads "SANDY WESLEY JONES". The signature is written in a cursive, slightly stylized font with capital letters.

Appendix for :

August 11, 2017

MOTION TO DENY DISMISSAL OF CIVIL ACTION

- #1. A statement by Sandy Wesley Jones P 2.
- #2. THE ROOTS OF RETALIATION P 3.
- #3. AFFIDAVIT No. 1 IN CASE # 16 – CB - 190082 P 4.
- #4. Motion to Appeal P 32.  
This Appeal is of the dismissal of Case No.16–CB-193266 May 31, 2017
- # 5. Amended Charge # 47. page 16 RELIEF P 46.

Signature Page 47.

These five demonstrate that case No. 4:17 – cv – 00403

must not be dismissed without a proper hearing.

Additionally, that this matter is not frivolous or unfounded in fact.

There are numerous documents which could be presented but the Plaintiff does not find it appropriate or necessary to burden the Court to respond to this latest palpable improper and retaliatory action.

The Plaintiff will honestly answer any inquiry the Court may have.

Plaintiff Sandy Wesley Jones

P 1.

# 1.

A Statement by Sandy Wesley Jones

#1 Sandy Wesley Jones is a 73 year old cowboy with a cowboy work ethic, polite and resolutely honest. Glad you got to meet me. I'm not scared of bears or moose, not intimidated by threats of disciplinary action. I was dyslexic before it had a name. Einstein and Steve Jobs are dyslexic, it does not mean dumb. Intelligence and wisdom are dogs on a different hunt. We know people by the effect of their actions. I stand for the rights of my friends even when they are afraid to stand with me. Ms. Faulk would have been wise to not to tangle with a old warrior, but that is her inclination. Vendettas are not cheap, everyone gets hurt. Don't blame the snake if you put your hand in a snake pit. I carefully did nothing wrong, and wrote reports. For that I have received retaliation. They don't like me to be so free.

#2 Defendant Molly Faulk considers herself entitled, not subject to law. Uses her position to intimidate with rules she does not herself abide. She presents lists of rules "as evidenced by". Everyone is guilty, of everything, under such a framework. What you put out comes back. Union rules mandate a fair trial, but I was denied. Indemnity was forfeited. It is palpable her attorney is abiding her demands to present a dismissal. They have waded into deeper and deeper in waters of Title VII Retaliation refusing to turn back. I have notified them they are in violation of law. And documented evidence.

#3 The record includes reports filed by Sandy Wesley Jones ; grievances and letters to members ; affidavits presented to the NLRB ; Motions to Appeal and Motions to Reconsider ; documents produced by the union leaders ; witness statements, etc. Regional Director Kinard has dismissed relevant cases on biased ground asserting "there is no evidence".

#4 Evidence does exist. Included is evidence the defendant presented false testimony, under the eyes if this attorney, which biased a Federal Agency to refuse arbitration which could have resolved this matter. The process was corrupted. I will present part of this record. There is a vast amount of "subject matter" filed with a Federal Agency that is available.

#5 Mr. Tanners crying complaint that he cannot discern the asserted claims is not honest in spirit or in fact. He has had the opportunity and duty to defend the union from a Title VII suit and is aware of the retaliatory intents and actions of his client. He may be complicit. He did not nip this in the bud when B.A. Freeman came to him with the February 24, 2016 grievance. A claim that the plaintiff is : "incoherent and disjointed" is false and is defamation.

#6 This case could be settled without necessitating Court and Jury time and expense. The infraction this extensive and numerous cannot all be denied, or excused. Title VII Retaliation is indefensible. There is no affirmative defense for this much deception ; adverse employment actions ; harassment and RETALIATION. The current Motion is not supported by fact or justice.

#7 I would like the matter of rigging safety to be addressed. Riggers and the public are at hazard without an effective safety plan that includes qualified riggers. Safety is not optional. No employer has a right to risk other peoples lives.

Sandy Wesley Jones



## THE ROOTS OF RETALIATION

#2. False allegations and statements, perjury, have adversely influenced the decisions of the NLRB Agents. The General Counsel's August 9, 2016 letter addressed to Ms. Jones, is evidence perjury adversely influenced their decisions.

Your letter states : " Rather, the evidence established that the Union did not refer you to the rodeo assignment *because you were repeatedly warned not to take photographs in previous assignments and you neglected to heed these warnings.*

Mr. Jones has not ever received a written warning about photography. The President and B.A. did not abide the rule that they cited as pretext to deny Mr. Jones' employment. They waited 11 months to deny me an opportunity to contest or appeal their action. Intentional misapplication of their Rule was pretextual in the denial of Wesley Jones employment at the Rodeo. The "Report on Rodeo 2015 Rigging Load In. " held them responsible for the fiasco and for that they retaliated. Ms. Faulk denied a fair trial because she knew her action was not supportable in fact or justice.

Letter "AA" by Mr. Wesley Jones Requested an Appeal. Exhibit BB by Ms. Molly Faulk refused an Appeal , and states : "In conclusion, the Executive Board has determined no further action in this matter is required. Any future repetition of the cited actions on your part will result in disciplinary action."

Jones has not yielded to threats and intimidation. Faulk has not ceased adverse actions of retaliation: "...will result in disciplinary action." direct evidence

# 2. Your letter states : " Notwithstanding this, there is insufficient evidence to establish that the Union was motivated by invidious, arbitrary or discriminatory considerations, **rather than by the complaints of a hiring hall client.**"

I spoke with the Client, Shanna Weaver and was told that there has never been a client complaint or request regarding Wesley Jones from the Rodeo Client. My Motion for discovery was ignored. No evidence of a client complaint regarding Wesley Jones has been presented.

**" rather than by the complaints of a hiring hall client."**

The allegation was introduced in a sworn affidavit by Ms. Dee Dee Freeman.

Her allegation is copied from Mr. Jones' Jan 7<sup>th</sup> 2015 Report.

© SandyWesleyJones Proprietary Document : Filed : Jan 7<sup>th</sup> 2015 :

**This performance** ( An embarrassing showing in the presence of Brad Barns and Bruce McCarty) **could cost us the contract.** You should *now know* the importance cognizant riggers in all rigging positions. These clowns failed, the requirement is cognizant riggers. The cue light is out, its time to get serious.

That report stated the B.A. and the individuals that **she assigned were responsible for actions that could cost us the contract.**

P 3.

Evidence of allegations and defamation : Union testimony in NLRB files.

# 3. AFFIDAVIT No. 1 IN CASE # 16 – CB - 190082

Sandy Wesley Jones V. President Molly Faulk et alii IATSE Local 126

I am Sandy Wesley Jones and this is My Affidavit.

We have the power to do many things.

With power is the responsibility to do that which is right.

Rules and Laws have been instituted to establish that which is right.

O.S.H.A. Section 11(c) of the OSH Act.

Employees have a right to seek safety and health on the job without fear of punishment. That right is spelled out in Section 11(c) of the OSH Act.

The law forbids the employer from punishing or discriminating against employees for exercising such rights as : Complaining to the employer, union , OSHA, or any other government agency about job safety and health hazards.

No person shall discharge or in any manner discriminate against any employee because such person has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

[ Note : Whether I was discharged for taking pictures, or my directives and reports, or filing a complaint. The intent was punishment and punishment has continued and has increased. The Law forbids it.]

**Prohibition on Certain Discipline by Labor Organization**

(29 U.S.C. 529) Office of Labor Management Standards Acts of 1959

SEC. 609. It shall be unlawful for any labor organization, or any officer, agent, shop steward, or other representative of a labor organization, or any employee thereof to fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of this Act. The provisions of section 102 shall be applicable in the enforcement of this section.

**Deprivation of Rights Under Act by Violence**

(29 U.S.C. 530)

SEC. 610. It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this Act. Any person who willfully violates this section shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. P 4.

(29 U.S.C. 412) SEC. 102.

(5) SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION.-- No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

I.A.T.S.E. CONSTITUTION and BYLAWS Article Sixteen Section 2 Fair Trial :

Nothing in the provisions of this or the local unions Constitution and Bylaws shall be construed to deprive member charged with a violation thereof of the right to a fair trial whereby his guilt or innocence may be determined.

These and other laws and rules are relevant in this matter. They are not suggestions. No admonishment should be necessary. As I present this affidavit I expect that you know or are responsible to know the law.

\* \* \* \* \*

#### A Brief of This Case :

Mr. Wesley Jones has been harassed. Under that general category this includes : Assault , Threats , False Charges and Inappropriate and illegal Discipline , Denied Fair Trials , Slander , Defamation , Invidious , Arbitrary , Discriminatory , behavior focused on Wesley Jones. I am a Rigger and Member of I.A.T.S.E. Union and have been harmed and removed from employment and the Union roster by illegal actions of Ms. Faulk et alii and Mr. Terry Behle.

The above represents a considerable unprecedented volume of harassment.

In evidence - Mr. Wesley filed a letter asking for an appeal in a decision to remove him from rightful employment. ( Exhibit AA. )

Ms. Molly Faulk responded with document ( Exhibit BB ) stating : “ .. no further action in this matter is required. Any future repetition of the cited actions on your part will result in disciplinary action. ” This statement declares Ms. Faulk's intention to employ disciplinary action regarding Mr. Wesley Jones. In evidence.

Also stated : no further action in this matter is required. Clearly establishes Ms. Faulk's intention to not address any of the various matters raised in Letter AA . and to deprive Wesley Jones of the right to a fair trial. P 5.

This is evidence of a refusal of her sworn duty as President of the Union Local 126.

The document ( Ex BB ) is dated : January 27, 2016.

Mr. Jones filed a grievance on February 24, 2016. All the cited actions, in BB, were specifically addressed in the grievance. All were disclosed to not in fact not be infractions by Wesley Jones, with one exception, a first infraction of photography with in one year. A first infraction of this rule stipulates a written warning only; not removal from employment. The improper action is clear evidence of intent to not abide the rule employed. A written warning has not ever been delivered.

The first steward statement in her list is : DWSR 14 : On 1-7-2014, after the installation of motors for TV screens, Wes said that he didn't like the ground rigging of Garland Crafton and Dale Piltcher.

Thus Ms. Faulk opened the door to Mr. Garland's lack of skills.

The second "cited action": On 2-9-14, Wes and Garland yelled at each other during the removal of TV screens and motors.

Thus Ms. Faulk opened the door to the matter addressed in a grievance which Ms. Faulk et.al. changed a date in order to deny a properly filed grievance. Tampering with evidence is a violation of Law.

Due to the former " tampering with evidence " Mr. Jones had no confidence his second grievance would proceed according to due process. It was not.

Mr. Jones' grievance to the N.L.R.B. in CASE # 16 – CB – 169743.

Ms. Martha Kinard dismissed the case # 16 – CB – 169743 declaring ' Insufficient evidence". I filed an Motion to Appeal which was dismissed on grounds that I had " been repeatedly warned to not take pictures " and " there was a client complaint. " There was report that it had been asserted : " that Wes could cost the union the Rodeo Contract. This reveals, Ms. Kinard, that there was indeed evidence, *Illegal evidence* presented, otherwise known under the law as, perjury. The statements cited are in fact false.

Ms. Freeman was reported to state that *She could assign Mr. Jones to Stewards that " He could get along with. "* That is also a false and misleading statement. Is Ms. Freeman not required to be truthful before you in this matter ? Ms. Freeman does not have That Right under the rules of our association, to determine my employment decisions. I consider Mr. Terry Behle's behavior, extremely objectionable. Ms. Freeman assigns me to most every call with Terry as Steward. Many members have complained of Mr Terry Behle's behavior.

I had been told by N.L.R.B. attorneys the appeal was final. By the time I discovered I had a right to file a Motion to Reconsider the 15 day time limit had passed. # 16 – CB – 169743 is closed under a cloud of perjury.

Next Case : 16 - CB – 177604.

Attorney Maxie Gallardo ask me to report any harassment that I might receive. I was told of an overheard conversation between Ms. Molly Faulk and Business Agent D.D. Freeman. The conversation concerned the writing of steward notes about Wes in order to, " spoil his case ".

I rigged a production of " Mamma Mia " at Bass Hall. Before the load out, steward Mr. Terry Behle, said he needed to see me on the office before work began. He had a typed page and asked me to read it and sign and date it. It was a false report about me, Wes. The authorship was not disclosed but Terry and Tom Limb had palpably each colluded in the document. Larry Henke was in the office as a witness. I informed them I did not agree with this, what ever it was, but I signed it. Terry gave me an unsigned copy that appeared to be a duplicate. After the load out I showed it to Lisa, named in the "note", and asked if she had any complaint regarding my work. She did not read the entire document but immediately said that she did not have anything to do with that, pointing to the paper and said your work was fine.

I wrote a rejoinder and turned it over to Ms. Gallardo and a case was opened # 16 - CB – 177604.

This report is on file with the N.L.R.B. and backed up on hard drive in a bank vault with other evidence and reports. It is evidence as a false report in a series of false reports. Relevant witness statement : ( Exhibit WS 2 )

\* \* \* \* \*

Next significant incident ( Exhibit F ) fighting.  
An Incident Unbecoming of a Steward.

Filed July 5<sup>th</sup> , 2016 Exhibit F

June 29<sup>th</sup> , 2016 at or about 7:45 AM – The second day of the Premier Design rigging Load in I had not seen a sign in sheet. Terry Behle passed amid the crowd of employees and I asked if he had a sign in sheet. Terry began yelling at me and asking if I wanted to go home ? The sign in sheet was at a wall behind some people. Terry yelled at me cursing and calling me names and saying I could go home. As he was 6" to 8 inches from my face I only responded by saying : "Get out of my face." As he continued I had to say it several times. He accused me of waking on the grid, and I told him I was on the beams all day.

He knew the present crew there would affirm that. When he walked away, I signed my name. I had asked an appropriate question that he had responsibility to simply answer. His action was an assault on my person and a palpable attempt to remove me from employment. This was witnessed by the crew and primary Client Jeff Pugrant.

Several times during that work day Terry said to me : " Stay away from me."

The next morning I called the Business agent DeeDee Freeman and briefly reported the incident. She asked if there were any witnesses and asked my permission to speak with him about it.

Note : My assessment of the matter.

Terry is intelligent and should behave professionally, but he has "problems". I will not indulge in a diagnosis but many members have voiced opinions about him and reports regarding his behavior have been filed. I have been asked by Attorney Maxie Gallardo to report any harassment. There have been several incidents that I have not reported since I am busy and tired of wasting time writing reports. She did file case # 16-CB-177604. It appears that Mr. Behle is intent to involve himself in the cause against his girlfriend, Ms. Molly Faulk, with the National Labor Relations Board. He is making attacks and false reports to help his "significant other" get out of something she should have not gotten into.

Terry's seniority , and the fact he is steward of many or most jobs of our Local Union, provides him a certain power. Also there is a Union rule that fighting can result in expulsion from membership for life. He frequently provokes crew members while hiding behind the skirt of that rule. The smart fight will be in accordance the Law. Terry's attempt to provoke a fight is equivalent to the incident with John and Chip Wood last year during this very call.

Sandy Wesley Jones P 8.

Attorney Marene Steben was assigned to the # 16 - CB – 177604

She spoke to me once by phone and said she would take my affidavit in a month or so. I have never heard from her since. When the assaults by Behle occurred I contacted S.F.E. Linda L. Davidson. I provided additional copies and asked for intervention in these matters. She assured me that Ms. Steban would call me in the morning. She did not. Eventually Ms. Megan McCormick was assigned, followed by another dismissal for no evidence.

I filed a Motion of Appeal with the General Counsel Richard Griffen in Washington D.C. The case hangs fire. Mr. Griffen has been notified of the perjury concern.

I filed a complaint with the Business Agent, Ms. Freeman, according to the rules, in the June 29, 2016 assault, on June 30, at about 7:40 AM. Ms. Freeman therefore had an opportunity to restrain Mr. Behle by intervention with the relevant rules, before the July 14, assault. She said she didn't have time to talk to me but asked my permission to speak to Terry about the incident. She did not call me back.

On July 14<sup>th</sup> at or about 6:30 PM Terry Behle assaulted Wesley Jones on the Premier Design stage and falsely claimed that Wesley "Hit" Terry. His, twice stated intent was to remove Wesley Jones from employment. At that time he acted on that intention. He even brought with him a witness and body guard. They both presented patently false written statements filed in his Steward report.

**Making a record, documentation is a right and a responsibility.**

I have made a record. Have been on these jobs start to finish. When there is a problem I may go home and write it down while fresh in my memory. You should see my hard drive. I get lost in it myself. Some young lady reads part of a report, rephrases it and says there is no evidence. That is tampering with evidence. When I write something that is my testimony and my integrity. You may contest it but you may not change or tamper with it. I am the witness. I have documented incidents. I swear by my documents before a Notary.

Chip Wood acts as he knows everything, but he does not know what he does not know. Do you know what the shock load of a 200 pound man on a rappel line is ? May not know there was such a thing ? Chip tied a clove hitch to a hand rail for Billy Rudd and me to rappel 180 feet. We could have died that day. I have reported that incident. We saw that substandard knot on a *hand rail*.

Terry Behle wrote a steward report to denigrate and malign Mr. Wesley Jones.

A filed steward reports is evidence. I recorded the facts. Examine this.

#### Rejoinder to : The Steward Report and Accompanying Statements

The steward report presents statements regarding Wesley Jones. I will simply point that they are indications, an evident display of Terry's animosity and mental state. A person writing his own words is evidence.

#### Steward Report in part by Terry Behle ( Partial )

Rehearsal and Performance : Unfortunately there were problems within the Carpentry Department. We had problems in coordinating the Austrian Drapes controlled by three separate operators. These operators were tasked with regulating the raising and lowering of these effects by monitoring the speed of the other drapes. Two out of three is good in a lot of things but usually, in my experience, not Show Business. Wes Jones, was unable or unwilling to make this happen. Jason spoke him and was told the other guys were supposed to follow his lead. Jason told him the job was about the drapes not him. The drapes got a little better but Wesley's disposition did not get better. He did only the work that appealed to him and walked away from what didn't. He refused to wear show blacks and that is where is where the altercation between he and I came from. Please see the accompanying statements. It is my intention to file charges against Wes Jones and will be forwarding those charges to Brother Jim Brady in due course. After dismissing Wes he stated that he would be going to the labor board over this action.

[ note: I underlined to hi light his vague criticism. His invidious opinion. In the *accompanying statements* he will excuse his attempts to pick a fight on *show blacks*. That is a lie. His job is STEWARD: a person whose responsibility is to keep order. To pick fights is antithetical to keeping order. Brown boots is no excuse for a fight. ]

An interesting side note, The Police sergeant that I spoke to about the Wes Incident informed me that Wes had shown a typed prepared statement that said I had attacked him not 45 minutes after the incident occurred. Pretty interesting I think since his prepared statement never happened.

P 10.

Notes by Wesley Jones : The "*prepared statement that never happened*" : Was filed with the N.L.R.B. July 5<sup>th</sup> 2016. in regard to Mr. Behle's



June 29<sup>th</sup>, 2016 assault. Exhibit F - Wes presented to the Sargent July 14<sup>th</sup>. The incident was reported to the Business Agent on June 30<sup>th</sup> before the 8:AM rigging call. I presume that she discussed it with him as she had asked my permission.

Interesting to note : The Steward's Report **does not report** his, June 29<sup>th</sup> 7: 45AM, "incident" in the presence of entire crew and Client. ( Exhibit F )

The Steward's report does not reflect that the Steward was aware of the actual problem with the curtain rigging, that Wes solved the problem, or the Client and his crew's appreciation of Wesley's professional response .

I previously wrote a narrative of the curtain problem and solution. I put it aside as not pertinent to the matters in issue. In response to Mr. Behle's negative report I will present it for you to compare and contrast.

#### The Austrian Curtain Rigging / problem and solution

I was not asked what position I preferred. Terry said I would be on deck and I did not contend the matter. There were three curtains to raise and lower on cue. At the bottom of these curtains was a steel pipe connected with cables that lifted the curtain when a sash cord was pulled down. When I first saw this I said : "This is not user friendly". The pipe was too heavy and the cord was too small to grip. Jason said : "NO, you cannot change it." All I said was if all you know is "No." then don't ask me. ( Jason was no help at all, but acted as he was the boss. It now appears he was flitting between Terry and the stage while Terry slept. ) We did the best we could the first day of rehearsal with many complaints about "the jerky" curtains. It could not be raised smoothly and consistently and blistered our hands even with gloves. I told Todd, the most polite and professional stage manager, what the problem was and that I would fix it. He said he remembered me and had confidence I would.

#### A basic Arbor / Pipe counter balance system.

At home that night, I collected ropes and made three sand bags. Next morning I was able to rig two curtains before the 7: AM work call started. I tied a butterfly knot below the off stage sheave to hold the sand bag which counter balanced the heavy pipe. The addition of larger ropes made it easy to grip and pull smoothly. Todd , the stage manager noticed the difference and thanked me saying: "I knew you would do it." The deck managers found a brief time for me to rig the third curtain just before the show started. Vance said Wes is a rigger, he can fix it. Jeff Pugrant came and ask if I needed sand bags or anything and could see I had solved the problem. He thanked me. Tim also stopped by to see what had been done.

Just part of the job, but the appreciation from the staff felt good.

Now : These discouraging comments by Terry just indicate poor stewardship. Terry Behle Reported : " Wes Jones, was unable or unwilling to make this happen. The drapes got a little better but Wesley's disposition did not get better. He did only the work that appealed to him and walked away from what didn't."

This is evidence of false reporting, of Slander and Defamation by Behle.

Our Job is to solve problems, not to argue and bicker and lie. "Show Business" requires working in the moment to address needs as they arise. Terry resents anyone that can do that. He portrays himself as the only Expert or a King insulting people and plays that roll rather than behaving professionally. He and Jason contributed nothing to the solution of the curtain rigging. It is Terry's "disposition" that is in evidence in these matters.

Terry has not rejoined my report because it is true and factual. Terry is smart, too smart, a psychopath. And he is a liar with an ax to grind.

**Incident : F** \* \* \* \* \*

An Incident Unbecoming of a Steward. Filed July 5<sup>th</sup> , 2016

June 29<sup>th</sup> , 2016 at or about 7:45 AM – The second day of the Premier Design rigging Load in I had not seen a sign in sheet. Terry Behle passed amid the crowd of employees and I asked if he had a sign in sheet. Terry began yelling at me and asking if I wanted to go home ? The sign in sheet was at a wall behind some people. Terry yelled at me cursing and calling me names and saying I could go home. As he was 6" to 8 inches from my face I only responded by saying : "Get out of my face." As he continued I had to say it several times. He accused me of waking on the grid, and I told him I was on the beams all day. He knew the present crew there would affirm that. When he walked away, I signed my name. I had asked an appropriate question that he had responsibility to simply answer. His action was an assault on my person and a palpable attempt to remove me from employment. This was witnessed by the crew and primary Client Jeff Pugrant.

Several times during that work day Terry said to me : " Stay away from me."

The next morning I called the Business agent DeeDee Freeman and briefly reported the incident. She asked if there were any witnesses and asked my permission to speak with him about it.

Note : My assessment of the matter.

Terry is intelligent and should behave professionally, but he has "problems". I will not indulge in a diagnosis but many members have voiced opinions about him and reports regarding his behavior have been filed. I have been asked by Attorney Maxie Gallardo to report any harassment. There have been several incidents that I have not reported since I am busy and tired of wasting time writing reports. She did file case # 16-CB-177604. It appears that Mr. Behle is intent to involve himself in the cause against his girlfriend, Ms. Molly Faulk, with the National Labor Relations Board. He is making attacks and false reports to help his "significant other" get out of something she should have not gotten into.

Terry's seniority , and the fact he is steward of many or most jobs of our Local Union, provides him a certain power. Also there is a Union rule that fighting can result in expulsion from membership for life. He frequently provokes crew members while hiding behind the skirt of that rule. The smart fight will be in accordance the Law. Terry's attempt to provoke a fight is equivalent to the incident with John and Chip Wood last year during this very call.

Sandy Wesley Jones

**INCIDENT G      \*      \*      \*      \*      \*      \*      \*      \*      \*      \***

Initial Incident Report :      July 15<sup>th</sup> 2016      N.L.R.B. # 16 - CB - 177604

### **EXHIBIT G**

On July 14<sup>th</sup> 2016 Terry Behle assaulted Wesley Jones on the Premier Design stage and made a false claim that Wesley "hit him".

On July 14<sup>th</sup> 2016, we were working on the same box but it was now attached to a wagon with a piano on it. Terry appeared and leaned on a stair rail and was staring at me. He soon approached and stated : "I don't like your clothes." He repeated his recurrent lie : "I don't want to write you up, but ..." Terry then got up six inches from my face with his finger pointing at my eyes and was spitting as he vented his anger. Irrelevant whatever he was saying, relevant was what he was doing. It was an angry assault on me and an

invasion of my personal space. I raised my hand to protect my eyes. Our fingers touched and he jumped back and yelled " You hit me." He may have hit me.

Who knows. ( Assault : Law an act, criminal or tortious, that threatens physical harm to a person, whether or not actual harm is done. ) I was working. He approached me, entered my personal space and with and with a finger at my eyes in an angry manner was threatening me. That he was trying again to initiate a fight is palpable. I have the right to protect myself from harm.

Someone puts a finger angrily in your face you have a duty to yourself to remove it. He hides behind the skirt of a union rule against fighting. He may have crossed that line in this instance. We will see. A full report will be submitted.

Sandy Wesley Jones

\* \* \* \* \*

Terry's claim that : "He refused to wear show blacks and that is where is where the altercation between he and I came from." is false. The altercation was an intentional and planned assault by Mr. Behle, with his body guard, There is absolutely no excuse for his actions.

This had nothing to do with Jeff Pugrant and show blacks. I knew Terry was there to start a fight. Terry said : " I don't want to write you up but I don't like your clothes." I only said one thing : " Go ahead and write me up." He spun around and stepped into my face with his finger again. I never moved. The J bar was resting on the floor along my right side how I held it before he approached. As I have reported, I raised my hand to my face to protect my eyes from his finger. His report is a palpable excuse for an assault. I was working and he should have left me alone. I did not move my feet, did not touch him, did not talk to him. He circled his finger and hit my hand. Better for me than my eye. In situations like these there is no guarantee what might happen. One has a duty to oneself of defense. It took a lot of sand to stand firm. Terry's behavior

P 14.

was reprehensible and criminal. A deception as is his page in his Stewards Report. More significantly Terry is a liar. It was an assault, it was a fight. The fact is that Terry was trying to get me to hit him. Why would I give him what he wanted, which was to expel me from the Union. His time was running out , he set it up a ruse and simply lied. It is palpable.

Mr. Terry Behle filed a steward report. An addendum to that report he states : " This pissed me off and I got a little hot. .... I had my finger in his face. I never touched him. He swung on me and while I pulled back he made contact with me grazing my throat." This statement, voluntarily presented, is a confession by Mr. Behle. It confirms the Exhibit G report of the incident. Behle initiated both assaults " F " and " G " and had threatened my eyes with his finger during both incidents. He had brought a witness / body guard with him. After Behle ran off a Mr. Mike Stephens came to me and said : " I was going to take the J-Bar away from you and step between you and Terry." That appears to have been their "Plan". The " body guard " had missed his chance. Mr. Mike Stephens presented an addendum statement for Terry Behle's report with a different version of his story. Collusion between Behle and Stephens is obvious. The relevant infractions in this matter is, but is not limited to, Harassment.

An addendum attachment to the steward report titled :  
Shift report for Premier Design 7/14/2016 Prepared by Mike Stephens

In short : Mike states that he and Terry approached the stage while carpenters were working. Terry approached Wes and a conversation got intense...

" At that point I ( Mike ) stepped closer to them and and I witnessed Wes strike Terry. Wes was holding a J-bar and I stepped in between them with a hand on Terry's shoulder and I took the j-bar from Wes. Terry was denying striking Wes and Wes was saying he had been struck. To this point I saw Terry point his finger at Wes, but no contact was ever made. I made the j-bar available as the crew....Wes came to me and took the j-bar...."

Mike Stephens approached me and said : " I came up when Terry started yelling and I was going to take the J bar from you and get between you and Terry". ( Was that their plan ! : "....I was going to take the J bar from you and get between you and Terry". ) He had done none of that. I said : " I did not hit him." " Had I hit him he would be on the ground." Mike replied : "Of course, you are a rigger."

That is what Mike Stephens said to me as Terry was running away.

Amazing that I have to contend with this. This Mike Stephens is not credible and should only be brought back for abetting an assault. I never saw this guy until after Terry ran off yelling. He said to me : "that he was going to take the j-bar from me and step between us..." No one but me ever touched the j-bar and I had held it vertically against my body with my right arm. I never moved my feet or anything else until I raised my hand to my face. Terry then tagged my hand with his finger and jumped back yelling. I did not say Terry hit me. Terry hit my hand with his finger. I did not cry, I only noted it in my reports.

Behle's behavior was very peculiar, an episode of psychosis. He ran off and put on an act back stage witnessed by the Client Jeff Pugrant. Jeff came to me and asked : " Did you hit him ? " I said : "No." He believed me and is aware of Terry's propensities. He is nobody's fool, and impeccably professional. He told me : " I think you got Bullied."

Terry's behavior was beyond the pale as usual. Terry claims his behavior was about Jeff Pugrant and show blacks is false. He had tried to pick a fight with me to remove from the call and failed, on the 29<sup>th</sup> of June. ( Exhibit F ) After I had to tell him several times to ; "Get out of my face." the scene was making him look bad, and he withdrew. Now on the 14<sup>th</sup> of July he had brooded over a plan. He had stalked and baited me on the 13<sup>th</sup> with derogatory remarks. On the 14<sup>th</sup>, same time next day, he arrived again but with a witness / body guard and with intent to *stage a fight*. His intent was vicious and demonic and though I stood firm I instinctively had to protect the target of his finger, my eyes. Terry's excuse about show blacks is a transparent lie. Terry has openly exhibited angry hatred of me since I filed a grievance against his wife Ms. Faulk and filed it with the N.L.R.B. That is in fact : "... where the altercation ..... came from." To present an excuse for a wrong is to admit it's existence.

Now in his Steward report he tries to peddle excuses : " This pissed me off and I got a little hot." "I Had my finger in his face. I never touched him."

" This pissed me off ..." is no excuse. Being pissed off, in other words : to loose ones temper, is *not acceptable*, it is a moral failing. Terry cannot control his temper, and often is "pissed off", or looses his temper, about something. He had reached a stage of psychosis ( a severe mental disorder in which thought and emotions are so impaired that contact is lost with external reality. ).

P 16 .

He frequently is heard yelling about somebody that has " Pissed him off. At the very least it is unprofessional and what he did to me, in this case, is

criminal. I have stated, it took a lot of sand to withstand his wicked tirade. I said nothing and did nothing. I stood firm, mute, and alert. Mr. Behle's actions were wholly his responsibility. I instinctive shielded my eyes from his finger. He hit my hand with his finger. This was a fight, initiated and acted by him and he should be held responsible. The local rule is expulsion from the Union.

But, He did touch me. When I raised my hand he hit it with his finger and immediately jumped back and started yelling. That is the fact. He knew he was not going to induce me to fight.

Your hand in front of your own face is in your personal space, and is off limits to anyone pissed off for any reason. Nor does being pissed off give anyone a right to put a finger in your face. Ms. Faulk and Ms. Freeman have done nothing with their pack of rules to restrain Mr. Behle's misbehavior. Terry Behle is exempt from Ms. Faulk's " Disciplinary action ". She is complicit.

Terry's " Body guard" had no chance to intercede, it was over. His statement : " At that point I ( Mike ) stepped closer to them and and I witnessed Wes strike Terry. Wes was holding a J-bar and I stepped in between them with a hand on Terry's shoulder and I took the j-bar from Wes."

This was their " Plan". It did not happen.

Mike Stephens account is out of sequence and incongruent with Terry's account. I never claimed Terry hit me, though he had. I kept my mouth shut. The j-bar remained with me and as I stood firm and as I did not move the tool did not move. His direct statements to me on the 14<sup>th</sup> do not concur with his written statement. Mr. Stephens account is more an expression a plan and a desire to be involved than an account of facts. Filing false documents is an infraction. Involved he is.

Terry Behle's actions on July 14<sup>th</sup> at Primer Design were a Charade, a Pretense, Deceit. Terry approached me while I was engaged in a work project. He began criticizing me, as he had done the evening before, same time same place. He snarled at me, Inches from my face, with his finger at my eyes, with intent to start a fight. This was a replay of the June 29<sup>th</sup> assault, only this time he did it quietly. To protect my eyes I raised my hand to my face. With his finger he tagged my hand and leaped back yelling : " You hit me." " You're off the call." "Get out of the building". The fact is : Terry hit my hand with his finger.

P 17 .

The conclusion in evidence is :

Jones : wore brown boots ; One infraction. De minimis

Behle : assaulted ; lost his temper ; picked a fight ; removed Jones from employment. Admitted in writing to his actions and state of mind.

Multiple infractions.

Mr. Behle has not denied his actions, to my knowledge. He has exhibited that he feels justified to act upon his anger and hatred. I have not been notified of a rejoinder to my reports . You have access to his confession in his own report.

A question of who hit who is of little relevance. Behle had no right to hit Wesley Jones. Wesley Jones had a right of self defense under :

"Stand your ground laws in a - work place – vehicle – home."

These incidents in fact occurred and are in evidence .

\* \* \* \* \*

The Business Agent was notified : Thursday July 14, 7:06 PM  
Communications by Text between Wes Jones and Dee Dee Freeman

D D : Terry just pulled that fight trick again and said he was going to have me removed from the building . The police refused and have been provided the report of the previous incident . Regards : Wesley Jones

You need to submit a statement to the eboard  
Terry has submitted his already ( From DD )

I hope you did not hit him  
That would be very bad ( From DD )

I did not . Jeff, the client, is displeased with the behavior . My behavior has been impeccable . Wesley Jones.

Send ur statement  
And how do you know Jeff is displeased ?  
You better not have approached the client ( From DD )

P 18 .

There is a witness ( From DD )



Thursday 10:32 PM

Terry told me he was taking me off the call .

He is lying .

I will be reporting to the N L R B .

( From WES )

END of Text conversation

\* \* \* \* \*

Examination of The Charge EB 1 dated August 24, 2016  
and Relevant statutes and Reports

A meeting of the E-Board was convened to address the incident.

The upshot of that meeting is Exhibit EB 1.

This exhibit EB 1 is evidence of an E-Board charge of punishment and includes a threat stated as a warning.

Only the body of the document is presented here.

**Exhibit EB1**

August 24,2016

Local 126 Executive Board

Thank you for meeting with the Local E-Board. The Board, with one recusal, has unanimously agreed to the following:

1.A fine of \$200.00 for the following violations of the HHRP : Rules :  
Category 1. section 7 Gross Insubordination, Protocols: Section 5 Sign in Procedure, Section 8 Complaints, Section 13 Dress Code. You are reminded of our 126 Working Rules which state, " Any stagehand that incurs a fine must pay the total fine by or at the next regular meeting or not be permitted to go on a job."

2.You're also required to complete a non-internet anger management course, at your own expense, within three months time, submitting proof to the Business Agent of your attendance / completion of said course.

This is a warning that future violations will result in your removal from the referral list.

Your compliance with these requirements will be noted.  
Local 126 Executive Board

Consider this ruling carefully:

1.A fine of \$200.00 for the following violations of the HHRP : Rules : Category 1. section 7 Gross Insubordination, Protocols: Section 5 Sign in Procedure, Section 8 Complaints, Section 13 Dress Code. You are reminded of our 126 Working Rules which state, " Any stagehand that incurs a fine must pay the total fine by or at the next regular meeting or not be permitted to go on a job."

#### Section 7 GROSS INSUBORDINATION

No Stagehand shall disregard the instructions of a supervisor or, in any other way, commit an act of gross insubordination.

I was assaulted twice by the steward and he tried to pick a fight with me several times during Premier Design Call. I did not engage or in any way accede to his intentions. Fighting is a violation of rules which the steward was in violation of. This put me in a difficult situation during the entire call. Section 7 GROSS INSUBORDINATION is a false charge. I am not guilty. It is a violation of rules to prefer false charges. Mr Terry Behle filed a report including an addendum. The documents contain reported false statements. Note Mr. Behle's confession in the matter of assault " G ".

Article Sixteen, Section 4. Penalty for Preferring False Charges. Mr. Wesley Jones is not guilty of infraction : of Gross Insubordination.

#### Section 5 SIGN IN PROCEDURE

Stagehands must sign in with the Steward before starting a work call and must check out with the Steward and/or Dept. head when the work call is completed.

I asked the Business Agent why I was charged with a sign in infraction ? She had to consult my copy of the charge and said:" That shouldn't be in there."

How did it " *get in there.*" ? How could they make such a serious mistake ?

[ I will speculate here : Molly and D.D. are culpable with Terry's harassment of me. Their decisions are in the evidence. They had to charge both Wes and Terry alike to avoid a much more serious charge against Terry. I received Terry's sign in infraction *by a cut and paste mistake.*

They track clues like a puppy with muddy feet.

I also asked Business Agent : " Why wasn't Terry charged with Assault ?" She said : " *'It was a he said : She said situation.'* so we couldn't charge Terry."

Was I the *he said* or the *she said* ? I did not ask. ]

There were sign in infractions which were entirely the fault and responsibility of the steward Mr. Terry Behle. This has been reported.

Mr. Wesley Jones is not guilty of infraction : Section 5 SIGN IN PROCEDURE

#### Section 8 COMPLAINTS

No Stagehand shall make a grievance directly to the management of any venue or client. The complaint should be made to the Department Head, Steward, or the Executive Board.

I was approached by the client and asked : " Did you hit him ?"  
I answered correctly : " No."

I filed my complaint directly to the Business Agent : DD Freeman :  
Note : Exhibit TX 14 – in evidence – an excerpt :

D D : Terry just pulled that fight trick again and said he was going to have me removed from the building . The police refused and have been provided the report of the previous incident . Regards : Wesley Jones

I hope you did not hit him  
That would be very bad ( From DD )

I did not . Jeff, the client, is displeased with the behavior . My behavior has been impeccable . Wesley Jones.

Send ur statement  
And how do you know Jeff is displeased ?  
You better not have approached the client ( From DD )

Again : Wesley Jones is not guilty of infraction : Section Complaints

The incident Exhibit F was reported to the Business Agent at about 7:40 AM on June 30, 2016. There was no response from her regarding the matter. No corrective action taken.

Had the Business Agent abided her sworn duty : That duty is :  
“ The complaint should be made to the Department Head, Steward, or the Executive Board.

Stewards, Department Heads, and Union Officers are expected to initiate complaints based upon their observations regardless of whether a Stagehand complains. Repeated offenses should be addressed through the Hiring Hall disciplinary procedures.

In the event that a Steward or Department Head is believed to have acted in a manner not consistent with, or in violation of these Hiring Hall Rules of Conduct, complaints related to such conduct must be directed to the Business Representative. ” < THAT IS THE – THEIR – RULE !

The B.A. failed to abide.

#### Section 5 VIOLENCE OR THREATS

No Stagehand shall commit any act of violence or threaten violence while on duty at a job site, nor commit any act of violence or threat of violence against another Stagehand at any time.

Had the Business Agent abided her sworn duty : There is a reasonable probability that infraction Exhibit G on July 14 would not have occurred.

Why did Ms. Freeman not take action in the complaint reported on June 30 by Wesley Jones ? I is palpable .

Note : Hiring Hall Rules :

Stewards, Department Heads, and Union Officers are expected to initiate complaints based upon their observations regardless of whether a Stagehand complains. Repeated offenses should be addressed through the Hiring Hall disciplinary procedures.

In the event that a Steward or Department Head is believed to have acted in a manner not consistent with, or in violation of these Hiring Hall Rules of Conduct, complaints related to such conduct must be directed to the Business Representative or, in his absence, other Union Officers.

#### Section 5 VIOLENCE OR THREATS

P 22.

No Stagehand shall commit any act of violence or threaten violence while on duty at a job site, nor commit any act of violence or threat of violence against another Stagehand at any time.

W.J. - It is evident: there is evidence that the members of the E-Board did not abide their own Hiring Hall Rules and or the Statutes of the O.L.M.S. In this proceeding, and additional related matters.

Mr. Wesley Jones has no infraction of : Section 8 COMPLAINTS

**Section 13 DRESS CODE**

Stagehands are required to wear black clothing, or attire appropriate to the venue as determined by the Business Representative or Steward.

I wore new brown cowboy boots, A new black shirt, and Black zip up ski pants over my new jeans. I was not ever in view of the audience during the show. I behaved in a dignified and appropriate manner. Guilty of new brown dress boots.

Mr. Wesley Jones has an infraction of : Section 13 DRESS CODE  
This only infraction is de minimis.

I am guilty of no infractions supporting punishment imposed by EB 1:

1.A fine of \$200.00

2.You're also required to complete a non-internet anger management course, at your own expense, within three months time, submitting proof to the Business Agent of your attendance / completion of said course.

This is a warning that future violations will result in your removal from the referral list.

The document EB 1 is evidence of harassment , Invidious , Discriminatory , and Arbitrary actions and other serious infractions by Ms. Molly Faulk et.al. This includes Mr. Terry Behle and Ms. Freeman, Business Agent.

The documents EB 2 and EB 3 and EB 4 are evidence of a continuation of the infractions by Ms. Molly Faulk et.al.

**Exhibit EB 2**

November 24, 2016

Local 126 Executive Board

The following is from the Executive Board's letter to you dated August 24, 2016 :

P 23.

You're also required to complete a non-internet anger management course, at your own expense, within three months time, submitting proof to the Business Agent of your attendance / completion of said course.

While your fine is paid, you've not fulfilled the anger management requirement and are therefore ineligible for work at this time. Please submit your certification as soon as possible.

IATSE Local 126 Executive Board

**Exhibit EB 3**

November 26, 2016

Local 126 Executive Board

Enclosed are documents submitted to the E-Board that reflect observations made of your work performance on PHANTOM. Scott said you have a copy of his statement already.

Please prepare to respond to the allegations they contain at either the E-Board meeting on Friday, December 2 at 2pm in the union hall and / or at the Regular Meeting on December 4<sup>th</sup> at 9am.

Thank you for your attention to this matter.

IATSE Local 126 Executive Board

**Exhibit EB 4**

December 4, 2016

Local 126 Executive Board

This is to inform you that you are removed from the IATSE Local work roster due to your failure to comply with the second and third conditions of the warning letter sent you August 24, 2016 as follows :

You've not provided proof of completion of a non-internet anger management course.

You again violated HHRP Category 1. section 7 Gross Insubordination as evidenced by the statement of Andy Cappelli, Phantom tour Head Carpenter.

Although your December 3, 2016 response doesn't address the safety, protocol and insubordination issues raised by Mr. Cappelli in his description of your job performance, it was shared with the body along with the Cappelli statement and the letter requesting you to attend either ( or both ) the E-Board ( 12-2-16 ) and Regular Meeting ( 12-4-16. ) The questions and comments of the members present were instructive to the Board's difficult decision.

IATSE Local 126 Executive Board

P 24.

O.L.M.S Acts of 1959 Excerpts :

(5) SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION.-- No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

I was not (A) served with written specific charges; ( B ) I was not given a reasonable time to prepare his defense; ( C ) I was not afforded a full and fair hearing.

The intent of the E-Board was to avoid properly charging Terry Behle.

They charging us both for his infraction. I had not assaulted anyone.

I asked business Agent Freeman why Terry was not charged with Assault.

She replied : " It was a he said - she said situation so we couldn't charge him."

Ms. Molly Faulk shirked her duty to enforce the rules and continued to pursue her intent to remove Wesley Jones, set up with a future violation.

**That is diabolical.**

Prohibition on Certain Discipline by Labor Organization  
(29 U.S.C. 529)

SEC. 609. It shall be unlawful for any labor organization, or **any officer**, agent, shop **steward**, or other representative of a labor organization, or any employee thereof to fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of this Act. The provisions of section 102 shall be applicable in the enforcement of this section.

Deprivation of Rights Under Act by Violence (29 U.S.C. 530) SEC. 610.

It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this Act. Any person who willfully violates this section shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

The steward Terry Behle made several attempts to initiate a fight with me and on July 14, 2016 assaulted me, hit me and falsely claimed that I hit him and removed me from rightful employment. ( Exhibit G ) That incident resulted In an E-Board hearing and the above Charge EB 1.

That incident followed incident ( Exhibit F ) which was duly reported to Business Agent D.D. Freeman on June 30 at or about 7:30 AM according to the rules. No corrective action was taken as is required by the Rules.

There is palpable collusion between President Faulk and Business Agent Freeman and the Steward involved, Mr. Terry Behle. The actions of President Ms. Molly Faulk et.al. began on or about before the incidents reported on January 7, 2015 ( Ex. 3R ) continue this day moving forward with repeated denial of my right of employment and membership rights of the Alliance I.A.T.S.E. These incidents originating during 2015, and continue into 2016, - 2017, are a connected whole and must be reviewed with out separability.  
> Section 11(c) of the OSH Act. The law forbids punishing or discriminating

The case # 16 – CB – 190082 was opened with regard to matters addressed in this affidavit. Case # 16 – CB – 177604 is on appeal and Case 16 – CB – 169743 is closed ( by perjury). The Union officers cannot be trusted to properly maintain documents. Documents are filed with the N.L.R.B. Agency.

I had verbally requested an appeal in a matter of denial of rightful employment followed by a letter ( Exhibit AA ) and received a rude response and a threat of disciplinary action. Punishment. ( Exhibit BB ) On February 24, 2016 I filed a grievance in the matter. Due process was not followed in the grievance. I was informed of a conversation between the defendants Ms. Faulk and Ms. Freeman regarding “ writing notes to spoil his case ”. Shortly thereafter I received a “steward note” from Mr. Terry Behle. It was turned over to the N.L.R.B. with a rejoinder. Attorney Ms. Gallardo opened a case # 16 – CB – 177604 regarding harassment.



President Ms. Faulk and Business Agent Ms. Freeman are of coarse members of the E-Board. Before the E-Board meeting I reported that the decision would be a Heads I win ; Tales you lose conclusion. They would properly discipline Steward Behle for fighting : Heads. Or Tales : Charge me and reveal themselves complicit with Behle's actions. The above charge EB 1 is in evidence. Complicit.

I paid the \$200.00 fine, to stay in the game, according to the rules but refuse to participate in an illegal action. Ms. Faulk has a propensity to include a threat in her submissions. She terms them a *warning* of some disciplinary action. You will note the sentence in EB 1: "This is a warning that future violations will result in your removal from the referral list."

Document EB 1 is an instrument whereby Mr. Wesley Jones was charged and punished for a violation committed by Mr. Terry Behle on July 14, 2016. That document includes a warning that this will be repeated.

It is not legal to threaten to punish, or charge, or punish someone for a violation, or *future violation* committed by another person. That is entrapment. > " This is a warning that future violations will result in your removal from the referral list."

Ms. Faulk instructed Business Agent order me to travel to the Union Hall to sign for the instrument, EB 1. I refused and Vice President Soni Speer ordered the document be delivered to me. I signed for a certified delivery. *A hill of beans.*

The document EB1, and what it portends, is evidence of a plethora of violations of Due Process , False Charges , Threats , et cetera.

The E-Board actions EB 2, EB 3, and EB 4 are progressions of and founded upon the EB 1 Charge and all constitute evidence of a continuation of illicit harassment, et cetera - violations of I.A. Rules and Statutes of Law.

" Any repetition of the cited actions on your part will result in disciplinary action."  
> Section 11(c) of the OSH Act. The law forbids punishing or discriminating

She certainly made good on that threat. Consider EB 1, 2, 3, and 4, and all the actions relative to those charges. All of it contrary to their own rules, and or, in fact violations of Law. On January 27, 2016 : Ms. Molly Faulk did threat.

The document EB 1 being a product of violations of law and of rules and the documents EB 2 – EB 3 – and EB4 being based upon those and other violations of law and of rules are not legal and binding documents of force or effect.

Any and all individuals involved the actions taken in violation of Law and rules in this matter should be held accountable for their actions in district Court.

At the E-Board meeting that resulted in the charge : EB 1, Molly Faulk recused herself but did not leave the room. D.D. Freeman was complicit but did not recuse herself. I was given 10 minutes to state my case. My first sentence began : “ This all began ... and several members of the board started yelling. Like a room of drunks all talking at once. After things settled down I was informed “ what they wanted to hear and what they did not want to hear ” and the clock was reset to 10 minutes. I had not been presented with charges or given an opportunity to confront my accuser. It was a ruse. It was made clear they did not want to hear : “ This all began with .....”

I maintained my dignity. This was recorded and should be available by court order. I was told : You will be notified of our decision.” D.D. called me a few days later and said Molly ordered me to go the H. H. and sign for the E-Board's notification. They expected me to legally sign an illegal document.

I would like the Jury to wonder why , what is the fuss about , Why are they harassing one man so incessantly ?

I said only three words They made it clear, when they yelled, at that meeting : they did not want to hear : “ What : This all began with .....” Three words struck a nerve. That nerve is : They do not want to face the charge that they refused to assign the Rodeo employment to me in retribution and did not abide their own rule regarding recording to implement a wrongful act. Which is where this all began.

Terry Behle is intelligent and should behave professionally, but he has “problems”. I will not indulge in a diagnosis but many members have voiced opinions about him and reports regarding his behavior have been filed. I have been asked by Attorney Maxie Gallardo to report any harassment. There have been several incidents that I have not reported since I am busy and tired of wasting time writing reports. She did file case # 16-CB-177604. It appears that Mr. Behle is intent to involve himself in the cause against his girlfriend, Ms. Molly Faulk, with the National Labor Relations Board. P 28.

He is making attacks and false reports to help his "significant other" get out of something she should have not gotten into.

Terry's seniority , and the fact he is steward of many or most jobs of our Local Union, provides him a certain power. Also there is a Union rule that fighting can result in expulsion from membership for life. He frequently provokes crew members while hiding behind the skirt of that rule. The smart fight will be in accordance the Law. Terry's attempt to provoke a fight is equivalent to the incident with John and Chip Wood last year during this very call.

Sandy Wesley Jones ]

Mr. Terry Behle filed a steward report. An addendum to that report he states : " This pissed me off and I got a little hot. .... I had my finger in his face. I never touched him. He swung on me and while I pulled back he made contact with me grazing my throat." This statement, voluntarily presented, is a confession by Mr. Behle. It confirms the Exhibit G report of the incident. His claim that I hit him in the throat is irrelevant. I contend that I did not. Under Texas stand your ground laws I had the right of self defense. Behle initiated both assaults " F " and " G " and had threatened my eyes with his finger during both incidents. He had brought a witness / body guard with him. After Behle ran off a Mr. Mike Stephens came to me and said : " I was going to take the J-Bar away from you and step between you and Terry." That appears to have been their "Plan". The " body guard " had missed his chance. Mr. Mike Stephens presented an addendum statement for Terry Behle's report with a different version which is a palpable false report. Collusion between Behle and Stephens is obvious. The fact of the matter relevant to this document is, but is not limited to, Harassment.

I have heard that when people lie they expose subconscious clues. "He swung on me and w ..." is strange wording. One would expect "Swung at", as in punched at. But swung on indicates something different. I only know that I raised my hand to my own face. He appeared to be in an extreme psychotic state. I was instinctively protecting my eyes. What he may be perceiving is beyond my testimony. I do know that when he approached me that he intended to have a fight. I discovered later that he had brought with him a body guard.

Terry was standing right in my face. I could not have taken a swing at him. He was too close. I could have grabbed him by the balls and thrown him on his back. Or crushed him in the solar plexus. But that would not have served my purpose. My purpose is to beat him according to the law. To hit him would have defeated my case.

Aikido is a Japanese form of self defense. One of the percepts is to direct an opponents attack force to defeat himself. Terry was again trying to pick a fight but he is scared of me. All I did was raise my hand to my face. When my hand came between his finger and my face he tagged it with his finger and jumped back as though a snake had struck at him. What struck him was fear. I had only moved my hand to my face, nothing else. I stood amazed at what just happened. Said to myself : AIKIDO ! Terry is no brave, no warrior. He was hit by his own fear.

I was removed from employment by this prearranged incident. And I was charged, by his wife's Kangaroo Court. The intent is blatant.

Next is Case # 16 - CB - 190082

My 60 plus page grievance, which took time and work, is essentially a dissertation of Mr. Terry Behle's latest and most elaborate concoction of collusion and dishonorable actions and false reports. He really shot himself in the foot and his wife's foot with acts involved in - "Phantom of the Opera" call.

You have probably been notified that the E-Board voted unanimously to take cognizance of my December 28, 2016 grievance, on January 4, 2017. Due process should be monitored in this matter.

I have provided the N.L.R.B. Attorneys in this affidavit the evidence to make a case against specific individuals and cited the rules, Federal Laws. You are the investigators. You make the case if you are worth your salt. I think that you are not honest in intent but seek to impede me. I have been shown the mission of this Agency is to seek reasons to dismiss rather than resolve cases. You are payed by the hind tit of taxpayer funding whether you work or not. So why work, right. Because it is your duty ? Or you may have some more sinister reason. Your problem is not my responsibility. If our new President finds out Obama's Agency is not working your funding may go into a wall down South or to fund some other boondoggle. Don't we all live with the possibility of other peoples misdeeds. I wish you no harm.

If Ms. Kinard cannot discern sufficient evidence at this extremity she has again disqualified herself "as someone worthy of critical engagement in a dialogue." Are you paying attention Martha ? Speak the King's English ? There is blatant evidence of Arbitrary , Invidious , discriminatory harassment.

P 30.

I have provided many documents to your Agency during the year 2016. I expect that they are in your system and need not be duplicated. I will provide relevant documents as requested or needed.

I present this Affidavit to The National Labor Relations Board. I intend to cooperate in their process to the best of my ability. However some confusing statements have been made by N.L.R.B. representatives. I hope and expect this business will be conducted in an honest and ethical manner.

To put Their self importance before the safety and lives of people is intolerable. The roots of this are in the character of people with no integrity. That may be beyond your expertise. This has been a vendetta. I have been careful to behave impeccably. My infractions are brown boots and some pictures in a public forum. Ms. Molly Faulk – Mr. Terry Behle - and some that acceded to involvement have chosen their actions.

The Law requires people to be held accountable for their actions. I am neither Sheriff, Judge, nor Jury. I am resolute in my defense, the integrity of the Alliance and Safe and proper procedure in matters of Rigging.

This is my affidavit presented the way attempt to I speak and write. It may be too much but it is not all there is.

I do swear that the statements and documents written by me are true and correct to the best of my ability so help me God.

State of Texas  
County of Tarrant

Sandy Wesley Jones

The foregoing document was acknowledged before me  
on 1 / 18 / 2017 by Sandy Wesley Jones, Who is  
personally known to me or produced a TX DL  
as identification

NOTARY Heather Jean Ginter  
Exp.04/30/18

# 4.

## Motion to Appeal

This Appeal is of the dismissal of Case No. 16 – CB - 193266

May 31, 2017

Wesley Jones V. Molly Faulk, et al.

General Counsel  
Attn : Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570 - 0001

Sandy Wesley Jones  
2802 Reese Lane  
Azle, Texas 76020  
[emeraldmesa@yahoo.com](mailto:emeraldmesa@yahoo.com)

1 Exhibit : 8-9-16GC  
2 Exhibit : EB 1

Dear Richard F Griffin, Jr. :  
Dear Mr Mark E. Arbesfeld :

#1. I received another letter from you today under the letterhead NLRB General Counsel in Washington DC. Please read an excerpt from Congress, your employer's intent. ( 29 U.S.C. 401 ) Before you proceed.

### **Declaration of Findings, Purpose, and Policy** ( an excerpt )

Sec. 2. (a) The Congress Finds that, in the public interests, it continues to be the responsibility of the Federal Government to protect employees' rights .... it is essential that labor organizations, employers, and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations, particularly as they affect labor – management relations.

(B) The Congress further finds, from recent investigations in the labor and management fields, that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally as they relate to the activities of labor organizations, employers, and labor relations consultants, and their officers and representatives. P32.

(c) The Congress, therefore, further finds and declares that the enactment of this act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947.

“ Employee ” means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

[ L-MRD Act of 1959 ]

#2. I filed a case with Region 16 NLRB, February 12, 2016, seeking arbitration in a wrongful denial of employment matter that Union representatives were denying a fair trial. That case was dismissed citing grounds presented by Union representatives which were and still are perjury. ( A pretext for retaliation ) That is unethical conduct referenced in the “Declaration of Findings, Purpose, and Policy” by Congress above. The NLRB has denied arbitration.

It has been necessary for me to defend myself from a vendetta pursued by these Union representatives. That is a : “breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct” by these Union representatives. I have documented this unethical conduct and a number of cases have been opened which including Direct Evidence, written reports and actions by these Union representatives.

Regional Director Martha Kinard presents a one page document stating there is no evidence and I am required to present a dissertation of the evidence that she claims does not exist. Your letter, typical of your, “*work*” *performance*, disregards my 33 page Motion for Appeal and parrots a false report about : “ perceived questions and concerns about your ( my ) job performance.” That is taken from a steward report which includes a confession of an assault on Wesley Jones. That appeal discloses the job performance accusation is a false report. In fact Mark, Your February 23, Letter cites a false report, to support a false report, which you were put on notice was false by the October 10, Motion for Appeal. One thing that is not false in the Union representative's - Steward's report – is his confession of harassment assault, which you and the Regional Director should have noted is in evidence.

If ( **29 U.S.C. 401** ) is still in effect, Congress may question the job performance of Regional Director Ms. Martha Kinard and Acting Director Office of Appeals Mark E. Arbesfeld to be a failure to “.....to eliminate or prevent” 33.

improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947...."

#3. Mark Arbesfeld : the only thing I did " *wrong* " was to file a " DIRECTIVE " under OSHA rules, in regard to safety of people and the liability of the Union. That was not wrong, but was my duty and responsibility as head rigger of a rigging project.

O.S.H.A. Section 11(c) of the OSH Act.

Employees have a right to seek safety and health on the job without fear of punishment. That right is spelled out in Section 11(c) of the OSH Act. The law forbids the employer from punishing or discriminating against employees for exercising such rights as : Complaining to the employer, union , OSHA, or any other government agency about job safety and health hazards.

Employees have a right to seek safety ..... on the job without ..... punishment. The **law forbids** the employer from punishing or discriminating ( retaliating ) against employees for exercising such rights as : Complaining to the union , OSHA, ( filing a Directives ) about job safety.

Under this Law it was my duty and responsibility and the law forbids retaliation. Is that clear Mark ?

#4. From that time forward I have been retaliated against, including false report accusations, assault harassment, fired from jobs, illicitly charged and fined, slandered and other things; in violation of Rules, of law and the Statutes L-MRD Act of 1959. I am now removed from all employment with the Local 126 Labor Organization.

At great expense of time and money I have documented and reported these actions to the NLRB, while maintaining impeccable behavior. For whatever reason the Federal Agency NLRB under Regional Director Ms. Martha Kinard and Acting Director Office of Appeals Mark E. Arbesfeld has declared, "no evidence " and failed to take appropriate action as is their duty while on the public payroll of The NLRB.

As I said : I have received retaliation from the time I presented a DIRECTIVE under OSHA Section 11(c) of the OSH Act.

Individuals participating, defending, and otherwise supporting this retaliation are complicit with retaliation. That would include : Ms. Molly Faulk ; Mr. Terry Behle ; Ms Diane Freeman ; members of the E-Bard ; and other



abettors ; including labor relations officers and representatives that accede in improper and unfair labor practices.

#5. Mark, I thank you for your April 25, 2017 letter. I will take all the evidence you all accede to provide me. I am left with the responsibility under (29 U.S.C. 412) SEC. 102. Civil Enforcement to present this matter to District Court. That is an undue burden placed on me by the failure of duty of "officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947." The NLRB's staff failure of duty will be shifted to the Courts. That will happen at great expense to the public, the Union, and the Plaintiff and his representatives, and the Federal Court.

### **Information as to Act**

( 29 U.S.C. 415 ) Sec. 105 Every labor organization shall inform its members concerning provisions of this Act. [ L-MRD Act of 1959 ] That has beed denied.

#6. I filed a grievance " PHANTOM " on December 28, 2016, and opened case # 16 – CB – 190082 with the NLRB Region 16.

There is, I am told, a case handling procedure that involves a field agent taking an affidavit. I have participated in several of these. The 16 – CB – 190082 was different. The Agent included things that I did not report and did not report things I stated and in my opinion were relevant to the case. She insisted that I sign it, under a threat the case would be dismissed. I refused to sign anything under threat and subsequently provided a 28 page notarized affidavit written by me.

AFFIDAVIT No. 1 IN CASE # 16 – CB - 190082

I was informed that the case was dismissed " for lack of cooperation ". I stated : " Do whatever you think is right, I will file a complaint with the General Counsel, Richard Griffin. " She left the room and soon returned to declare it would not be dismissed. That decision and the palpable ruse was under the direction of Regional Director Martha Kinard.

#7. I filed the " Phantom " Grievance December 28, 2016. The union E-Board voted to not take cognizance of the grievance on January 4, 2017. I filed a charge with the EEOC on February 23, 2017. The E-Board under, attorney advice, decided to take cognizance to the grievance. They proposed to have a trial.

That trial was a charade, and in no sense a trial. [ A formal examination of evidence before a judge, and typically before a jury, in order to decide guilt in a case of criminal or civil proceedings. ]

Terry Behle was not present. Chip Wood and Carter Selby were both asked if they still stood by their testimony. They affirmed. I was not notified or consequently allowed to attend nor given a transcript of their, or Behle's, testimony. Were they under oath ? There was no cross examination in regard to their testimony, or anything else of importance. One of the "Judges", Mike Nelms, said to me : " I've read all this several times and don't understand any of it." He asked me no questions to clarify any matter at issue.

Terry Behle has lied about me in several of his 2016 steward reports. Steward Behle worked the two week job of " Phantom " to provide the " Future violation " his wife had threatened on her charge: **EB 1**. Having failed to produce a **future violation** he resorted to abetting Carter Selby to pick a fight with me. That failed and he arrived at the grid in a tirade, and fired me : " Because 3 people don't like you." He refused to disclose who did not like me. He would only repeat : " I don't believe you." That adverse employment action was entirely his own design and responsibility. His wife, Molly Faulk, had "warned" Mr. Behle in an August 22, 2016 document : " Any future display of unacceptable behavior will result in your being ineligible to steward calls. ". Ms. Faulk has to my knowledge not addressed Mr. Behle's behavior regarding this incident. I asked : " Where is Terry ? " and was told he is working.

[ Some tidbits in history : I have heard Terry was removed from Bass Hall for yelling at Luther Holder and was drunk or smelled of alcohol. That incident should be investigated. Chip Wood arrives to work smelling of marijuana and opens his car door after lunch in a cloud of marijuana smoke. Carter Selby sells marijuana to to Terry Behle at work venues. Chip and Carter have both repeatedly stated they want me to retire. They were involved in the 2015 Premier Design incidents which Chip and John Wood were punished. ]

#### #8. 5 Cases before the NLRB Agency

February 12, 2016 - # 16 – CB – 169743; Refusal to employ Jones to the  
Ft Worth Rodeo

June 1, 2016 # 16 – CB – 177604 Was opened regarding a false reports,  
in retaliation for filing charges with the NLRB.

Dec. 12 , 2016 # 16 – CB – 190082 ; " Phantom " firing by Terry Behle

Feb. 14, 2017 # 16 – CB – 193266 ; Refusing due process of Grievances

March 24, 2017 # 16 – CB – 195773; Removing Jones from the referral list  
In Retaliation P36.

This appeal is of the dismissal on grounds of insufficient evidence.

Feb. 14, 2017 # 16 – CB – 193266 ; Refusing to process grievances

Since about the past six months the above named labor organization, has restrained and coerced employees in the exercise of rights protected by section 7 of the Act by refusing to process grievance(s) of Sandy Wesley Jones for *arbitrary and discriminatory* reasons or *in bad faith*.

[ Arbitrary : based on random choice or personal whim, rather than reason ]

[ Discriminatory : making an unfair or prejudicial employment action ]

[ Bad faith : intent to deceive ; refusal to confront facts or choices ]

NLRB. has a flyer which states : examples of conduct that violate the NLR Act :

By a union threatening or refusing to process a grievance.

To be clear : Refusing due process of grievances is a violation of the NLRAct.

The December 28, 2016 grievance regarding The Phantom of the Opera job call included evidence of retaliation, false reports, an abetted fight. In evidence : a notarized witness statement stating Wesley took no part in the attempted "fight". The 60+ page document included other evidence of adverse employment actions and retaliatory hostile working environment actions.

Case # 16 – CB – 193266 concerns " refusing to process Grievances ". IATSE Local 126 under the Presidency of Ms. Faulk has not ever followed due process of any grievance I have filed. The first one she denied by changing a date. That is "tampering with evidence". The February 24 2016 grievance was not mentioned until I asked about it. I was told they could not present it because : " You went to the NLRB ". That is not a legitimate reason to not follow due process but that was their decision.

On September 30, 2016, a letter states : " the E-Board voted to not take cognizance of your February 24, 2016 charges against Diane Freeman and Molly Faulk. This decision is based upon the September 8, 2016 ruling of the NLRB, ( case 16 – CB – 169743 ), thus rendering your IA charges without merit.

The *September 8, 2016 ruling* was based on false statements in sworn affidavits is what is in fact " Without merit ". See Exhibit 8-9-16GC

#9. The February 24, 2016, grievance has two parts.

Issue 2 is in regard to Rigging.

P37.

Read this and until you actually understand it : do not ever tell me that you “ have carefully investigated and considered ” because, Mark, you have not. Peoples lives ; their families, are at risk while these “ Leaders ” roll the dice with unskilled, unqualified employment assignments.

When the dice come up snake eyes you will be liable because you lied that you carefully considered and people were injured or killed.

**ISSUE # 2 :** “ Matters of : Rigging, Safety, Liability, and Behavior. Numerous, repeated significant and duly reported infractions involving matters of rigging, safety, liability, and behavior by leadership and crew members have been ignored and not subjected to an appropriate hearings or corrective actions. All the rigger's directives and reports have been refused.”

The conclusion in Ms. Molly Faulk's response ( EXHIBIT BB ) states :  
In conclusion, “The E Board has determined no further action in this matter is required”  
i.e. “In conclusion” - an Appeal is again illicitly denied, and without justification.

This indicates the E Board considers : no further action is required “regarding failure, and refusal, to enforce other duly reported infractions of Rodeo and Union rules of conduct and of safety.” a charge introduced in EXHIBIT AA, the plaintiff's 1<sup>st</sup> letter.

This is a clear admission of intent by Molly Faulk to continue to fail to abide her duty to allow suitable hearings regarding relevant issues. An act of malfeasance.

Hence I have presented An addendum Directive :  
To Molly Faulk and DeeDee Freeman and members of the E Board of Local 126 to  
**“...assume the responsibility and resolve these matters of Rigging, Safety, Liability, and Behavior now.”** In this addendum all significant and important matters are not specifically identified. That is not my duty. The responsibility is that of leadership as duly sworn. We hope that they will honestly, fairly, and without delay take correct and positive action in the spirit of this directive.

ADDENDUM :

### **A DIRECTIVE**

Wesley Jones, a senior working rigger, in Local 126, issue this directive.  
President Molly Faulk has asked me to “teach” rigging.

An accident prevention plan is needed. The policy of assigning unqualified personnel to rigging jobs is an accident plan. Cease and desist. In the event of an accident, lawyers and a Judge make the decisions. Plan safety.

Local 126 needs to foster new riggers. There are not enough riggers to do a big job without appealing to Dallas. That is a jack pot. Some of them are good like Dwite. But you expelled him. I've told you about pot heads with frayed ropes and no pork chop. The work load is shifted to a few riggers while the jack pots stand on the catwalk smoking and talking. This is a liability problem that must be resolved. P38.

We need a few men seriously dedicated to learn rigging expertise. A small attentive class is best. Not 25 guys that want to say "I'm a Rigger". Riggers don't grow on trees. It takes a certain type of personality. Someone that is stubborn and careful and patient, refuses to be hurried. Someone that is agile and strong and watchful.

I showed a "trainee" how to securely lash a line to a rail, and soon observed his fist over a wrap and have him tell me : " I've got it." No, in fact it's got him, and without him the line is free and the load will drop. A knot is a tool, a grip is ephemeral. " I've got it." he says. "I'm a rigger" he says. Could be deceiving himself, and someone get hurt. Rigging is no place for deception. With someone that knows he doesn't know, you can show him this, and then that, and soon he is teaching himself. They need to have the textbook – Entertainment Rigging by Harry Donovan. This is not a game. It's not a contest. No place for arrogance. Not worth the money. This serious business. You could die or kill someone. " It's Just a Shine Away." Keeping that in mind a person could be a rigger.

What is the most important thing you can provide a rigger ? Experience. The opportunity of experience is wasted when seniors supersede riggers job assignments. The requirement is Riggers that are dependable, and work safe and get the job done properly, and have experience. All rigging jobs, including, ground rigging, should be filled by those who possess the knowledge, have experience, proper correct tools and safety equipment, and are physically able to climb out on those beams that our industry hangs upon. You should understand they are a valuable asset that should not be misallocated.

We know who our riggers are. There are not that many of us. We are friends and enjoy mutual respect. We at times have to trust our safety to one another. We do not steal from - lie to, or about - or cause trouble among ourselves. As a small cohesive group we could mentor a few good people, in a class and on the job, to become riggers. I will not presume to be the teacher. This cohesive group will be the teachers.

Leadership should establish and support this Rigging Team without interference, and respect them and their directives regarding job assignment and all rigging matters.

Rigging is a serious endeavor. Petty power games, fighting, insubordination, lack of attention / distraction, untrained employs, you make the damn list of behaviors to be confronted. You did not like it when I said the "Que light is out". It is still out. All this crap should be out. There should be only impeccable professional behavior from all concerned.

Now this. You disrespect my directives and expect me to run a safe job with a team that does not know or care, and have nothing on mind but a show call or causing trouble. Then you fire me over a frivolous matter. Rules are to maintain proper order and guide behavior, and to follow proper procedures to prevent accidents. They are not a tool for retribution. Leaders and special friends are not exempt. You will rue the day you twisted and broke your own rule on me, and hid from an appeal. Be honest. Now you have lost another rigger. Now you say I should voluntarily teach Rigging ? I am through writing reports, to "teach you", things you disregard and trash. These reports are not copy and paste false charges ! They are carefully considered and truthful documents, and they have taken a great deal of my time. I'm through taking your responsibility and liability for rigging jobs which you refuse to appropriately administer.

P39.

This is a directive that Molly Faulk and DeeDee Freeman and members of the E Board of Local 126 to **"...assume the responsibility and resolve these matters of Rigging, Safety, Liability, and Behavior now."** The responsibility is that of leadership as duly sworn. We hope that they will honestly, fairly, and without delay take correct and positive action in the spirit of this directive.

© Sandy Wesley Jones

#10. Case # 16 – CB – 169743 was denied by Ms. Martha Kinard for *insufficient evidence*. My appeal in that case to the General Counsel, Richard Griffin, was denied citing grounds : " *you were repeatedly warned* " and " *The complaint of a hiring hall client* ". I was informed it was also alleged : " *Jones could cost the union the Rodeo contract.* " These three allegations are probably not the only false statements presented to the NLRB attorneys about Mr. Wesley Jones. See the August 9, 2016 letter Office of the General Counsel.

You have the affidavits. Investigate them ! It is your your duty. Exhibit 8-9-16GC

Please note the third paragraph : " With respect to your contention on appeal that you suspected the Union was involved in a conspiracy against you, there was insufficient evidence to substantiate your claim."

On and before June 8, 2016, when I wrote my first Appeal there was evidence of retaliation. It was palpably overshadowed by the false assertions noted above. Since June 8, 2016, the union representatives have continued to provide evidence of concerted retaliation.

Case # 16 – CB – 169743 regarded a grievance and that grievance was denied due process due to the "Investigators " allowed themselves to be duped by lies. An investigation is an examination of the facts, interrogation to sort the truth from fiction. Why was I not questioned. I was seeking an appeal of a wrong employment decision. Was it not denied on grounds of slander ?

On January 4, 2017 the E-Board voted again to not take cognizance of the charges you filed on December 28, 1016, against Marla Faulk ; Terry Behle ; Chip Wood ; and Carter Selby at this time. [ E-Board - " voted " ]

This decision is based upon the charges you filed on December 19, 2016, with the NLRB ( Case # 16 – CB – 190082 ). [ The Phantom incident ]

That is a catch 22. The union refuses charges / NLRB dismisses.

On February 21 : On advice of counsel, the E-Board now takes cognizance of the charges you filed on December 28, 2016, against Terry Behle ; Marla Faulk ; Wylie Wood ; and Carter Selby. P40.

#11. At the E-Board meeting regarding the July 14, 2016, Behle assault incident, that resulted in my being charged with Exhibit EB 1-  
I was asked to make a statement and was shouted down after three words :

I stood and said : " This all Began .." ( if I could be allowed to proceed ) This all began on or about this :

REPORT ON RODEO 2015 RIGGING LOAD IN BY LEAD RIGGER WESLEY JONES

Sunday 4<sup>th</sup> January 2015

[this is from the last page ]

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Wesley Jones / Rigger  
IATSE local # 126

A closing note: It seems wise and reasonable that a person faced with a challenge to his ability to perform a job assignment should arrive polite, greet the boss with " "Yes Sir." You need a 1/2" 10' basket with 5' down and 2 ton motor. I'll send it right up. Who could fault such actions ?

But what actually happened: Without greeting or polite word they refuse all communication, avoid parts of their job duties, refused to deliver requested steel, indulge in a dangerous and ill advised forklift ploy which results in damage to ropes that do not belong to them and deliver, an hour late, a package that is unworkable and needs to be struck. Because they refuse to communicate, the steward has to relay my instructions before we can even begin the hang. An embarrassing showing in the presence of Brad Barns and Bruce McCarty. This performance could cost us the contract. You should *now know* the importance cognizant riggers in all rigging positions.

These clowns failed, the requirement is cognizant riggers.

Ladies, the cue light is out, now it is time to get serious.

Filed : Jan 7<sup>th</sup> 2015 [ end of report ]

Sandy Wesley Jones, filed a © document " **This performance could cost us the contract.**"  
**on January 7, 2015,**

Ms Freeman et al testified in **2016** : " **Wesley could cost the union the Rodeo contract.** ".

I reported the BA Freeman and Mr. Crafton responsible, (know the importance cognizant riggers in all rigging positions) over a year before she turned it around to accuse Wesley Jones of jeopardizing the contract.

Did Ms. D.D. Freeman committed a breach of Copyright ?

Ms. Freeman lied on a sworn affidavit in the Federal Agency NLRB.

Ms. Freeman et al, has also misinformed attorneys at the N.L.R.B. regarding "Repeated Warnings" and a " Client Complaint " A Federal Agency should not be lied to. I discovered this when the General Counsel in Washington DC denied my appeal on grounds of "Repeated Warnings" and a " Client Complaint " which were and are false. Perjury. Exhibit : 8-9-16GC  
P41.

To be honest I have not seen the printed affidavit. That is held by you, the NLRB Agency. I do know that she did tell the attorneys that Wesley could cost the Union the Rodeo contract. And I believe it was before the current contract was signed. What is not in question : I signed this document ( including that statement ) 3 days after January 4, 2015 incident with :  
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[ " It's not what's done. It's what it indicates ". My Mother would say that. ]

" Repeated warnings ". No written warning was issued. " There was a Client complaint." I suspect there was a complaint. Mr. Barns and Mr. McCarty were obviously perturbed by the delayed start of the project. Wes Jones was under a "stand down order to not argue". It was after the ground crew demonstrated their failure that David and I gained control, that the project was completed quickly, safely, and professionally. Whatever the import of an alleged complaint the responsibility was the ground crew and the BA's assignment, and the steward, D.W. with his stand down order. To blame the incident on Wesley Jones in sworn testimony to the NLRB is perjury. The incident is clearly documented in Exhibit 3R REPORT ON RODEO 2015 RIGGING LOAD IN BY LEAD RIGGER WESLEY JONES Sunday 4<sup>th</sup> January 2015

[Note in Retrospect : On the catwalk before the hang the steward DW instructed me to hang the points on the inside of the beams. I knew that would put the points 12 inches too close, but I had been firmly told to not argue. After the second point was hung on the South side of the beam the client Bruce McCarty called on the radio and asked it be moved to the other side. I replied "Yes Sir." and we changed it so all points were on the correct, North side. I know no idea why DW would interfere with rigging. He was involved with the BA's assignment. ( But I did learn something : Do what you are told ; only if it is right. )]

#12. Libel ; Defamation : the action of damaging someone's reputation ;  
Slander : false and malicious spoken statements ; are libelous acts.

On August 2, 2015 Molly Faulk wrote : " The executive Board of Local 126 thanks you [ Wesley Jones ] for your statements, both written and oral, regarding the events described in the steward's report of Premier Design 2015 and in witness statements.

This is to officially confirm the board's informal remarks made to you on July 23, 2015, that you would not be found culpable of actionable behaviors and that you acted in accordance with the Hiring Hall Rules and Protocols.

That was July 2015. Now witness a change after the January 22, 2016, Letter AA. P42.



1-25-2016 Discussion of the usual miscreant's behavior including Wes Jones, John Wood, Wylie Wood, William Hemphill and Carter Selby. ..... Because of Mr. Wes Jones perception That he has been constantly mistreated and misunderstood, the two most patient persons on the Board, (Ms. Freeman and Ms. Faulk), agreed to once again discuss the FWSSR with Wes.

November 9, 2016 : Text exchange between Scott Burcie and Molly Faulk :

Molly : " Scott, I don't how all this will turn out and I am sorry you ( and many others) have been caught up in it. I don't understand why Wes can't abide by our rules; he seems to think he's being persecuted while we have to defend against some major complaints about him from both our own workers and house and road people about his work performance and attitude. His determination to "win" ( I'm not sure what ) is costing the local thousands of dollars and his unwillingness to treat his fellows respectfully is damaging to individuals and the local as a whole. I sympathize with your situation but I can't advise you about further documentation. "

December 2, 2016 : When asked what is required to remove a worker from the roster, Tanner responded : workers must show an awareness of SAFETY and exhibit STRENGTH and AGILITY. Further, the BA, based on observation/s, may deem a worker temporarily or permanently unable to work without fear of unfair labor practice charges. ....

As to Wes, the Phantom Head Carpenter statement was enough for Tanner to state we can remove him now, advising no matter our decision, we should give him the opportunity to explain himself and not " spring " it on him down the road.

December 4, 2016 : .... Wes Jones insubordination and ongoing struggle with authority on Phantom and Rudolf *brought before the membership*, as well as his lack of response to the reports ( except his letter ) ..... expenses for legal regarding Wes Jones charges. Henke approximated \$10,000

December 4, 2016, E-Board meeting : The ongoing discussion regarding Wes Jones resumed. After much discussion the majority of the board voted to remove Wes from the work roster.

These excerpts presented above from filed documents, [the few that have been given me] by Ms. Molly Faulk et al are evidence of defamation.

Ms. Faulk states : "...while we have to defend against some major complaints about him from both our own workers and house and road people about his work performance and attitude."

The alleged complaints originate and are the intentional product of Ms.Faulk / Mr. Behle Defamation. P43.

Some documents were introduced during the " Trial process " palpably in defense of Mr. Terry Behle ; Ms. Molly Faulk ; Wylie Wood and Carter Selby. Evidence of Ms. Molly Faulk's ongoing *performance and attitude* .

Actions have consequences Mr. Arbesfeld. Ms. Faulk violated her own rule, the " Recording Rule ", and I called her on it in letter AA and the February 24, 2016 Grievance. Even Presidents are subject to the rule of law. She refused due process in the grievance and has continued adverse employment action to avoid that simple issue.

Wes Jones has no " ongoing struggle with authority " .

Ms. Faulks personal vendetta operates without authority.

There is no authority to retaliate under Title VII.

Ms. Faulk continues to violate statutes of law and I have witnessed and documented adverse employment actions ; hostile work environments ; defamation and retaliation. Agents of the NLRB have refused to address the evidence and may be called into Court to answer why it has become necessary to file charges with the EEOC and Federal District Court. Under the NLR Act it has been their duty and responsibility to fairly settle this matter.

Are you not aware of retaliation under Title VII ?

Ms. Faulk seems oblivious. Oblivion is not a right of Agent attorneys in a Federal Agency. I suggest you conduct a careful investigation before you again rule there is no evidence of a violation of the NLR Act.

I know all these dates and contradictory statements get confusing. The NLRB agents should have nipped this in the bud with an unbiased resolution before it went this far. Instead, the claim of "no evidence" shielded ongoing retaliation by a labor organization. Four cases dismissed - one to go.

Fortunately with computer and hard drives facts and statements remain intact.

#13. The big picture is not confusing. I stand for rigging safety. It is a Serious Business. A 200 pound load dropping 4 feet delivers a shock load equivalent to a small car. A side-loaded shackle will break like a twig. Things that falling in the immediate future cannot be retrieved. Nor can a life. A flower pot can be mistakenly placed on stage. Riggers must work under a higher standard. No exceptions. Garland Crafton is a useless hazard and has no business on any rigging crew. My filed reports were disregarded and discarded, as well as the grievance. The contention was over the assignment of the crew at the January 4, 2015 Rodeo, to install a brand new rig. I had been provided drawings to study in preparation. A cognizant crew was needed. I Directed that Qualified Riggers be assigned. A HH Rule. Employees have a right to seek safety on the job. That is the law. P44.

Business Agent argued with me and assigned Mr. Crafton in violation of my directive, and Rule : page 15 G Safety. Crafton was again a problem, a hazard, and an embarrassment and I reported the incident, on January 7, 2015. The report held the BA responsible for the incident due to her assignment. An undisclosed plan of retaliation was dormant until the next year.

Wes Jones was denied employment held by 9 years seniority. I wrote a letter demanding redress, which was responded to by Molly Faulk with a threat of " Disciplinary Action " That is an action of retaliation under Title VII. Retaliation has continued exponentially. It is documented by Jones and the defendants themselves from on or about the time I filed a complaint with the NLRB, February 12, 2016, ; Wrote a letter of redress, January 22, 2016 ; and the February 24, 2016 Grievance which was refused due process.

Therefore this is basically not complicated or confusing at all. It is a matter of concerted and intentional infractions of statutes of Federal Law.

Mr. Griffin and Mr. Arbesfeld : now is the time to get serious.

With Concern for Safety of People

Sandy Wesley Jones

The Law requires people to be held accountable for their actions. I am neither Sheriff, Judge, nor Jury. I am resolute in my defense, the integrity of the Alliance and Safe and proper procedure in matters of Rigging.

I do swear that the statements and documents written by me are true and correct to the best of my ability so help me God.

State of Texas

County of Tarrant

Sandy Wesley Jones

The foregoing document was acknowledged before me  
on 6 / 2 / 2017 by Sandy Wesley Jones,  
Who is personally known to me or  
produced a TX DL as identification.

NOTARY Nohely Dominguez  
ID# 130798751

# 5.

## Relief

Congress has enacted the Civil Rights Act of 1991, which provide monetary damages. Title VII allows monetary, punitive, and compensatory damages to be awarded to Title VII plaintiffs. Congress made monetary damages available to encourage citizens to enforce the statute. The Civil Rights Act of 1991 works with Title VII to achieve the goal of eradicating discrimination.

### An indication of relief sought

EXEMPLARY DAMAGES ( punitive ) allow recover for damages brought under sections 706 and 717.126, if the defendant acted with malice or reckless indifference to the federally protected rights of the employee.

COMPENSATORY DAMAGES allow recovery for "future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and non pecuniary losses.

### Permanent injunctive relief

The defendants actions were planed, harsh, oppressive, and malicious. Terry resorted to lie that I hit him. He in fact hit me. He had brought a body guard – witness that disclosed the "plan" to the plaintiff but presented a different statement in the steward report. The steward threw a tirade in the storage area which attracted the Client who had to intercede. A similar incident was initiated during a "future" job and culminating October 31,16.

This stewards wife engaged in illicit disciplinary actions against the plaintiff in league with her husband's actions and removed the plaintiff from all employment by removing him from the "Roster". This is an attack on the plaintiff's livelihood from a long term alliance with the IATSE Union.

The defendants acted fraudulently with malicious intent to retaliate and harm the plaintiff. The conduct was intentional, with conscious indifference to the rights of the plaintiff, and without justification or excuse. The plaintiff, therefore, seeks exemplary damages in the sum of \$ 100,000.00 .

Ms. Molly Faulk et al, has apparently enjoyed pursuing a vendetta at my expense. My time has been wasted by a duty to continue write numerous Grievances, reports, appeals, letters, and motions. These documents are not easy writing and consumes time and money. My photography work and other projects have been interrupted causing the loss of income. I'm not going to cry but this is a pox on spirit and soul. I should be compensated. The plaintiff, therefore, seeks compensatory damages, an additional \$ 100,001.00.

Plaintiff prays all Attorney fees and expenses be reimbursed. Also all expenses and time involved in this matter be compensated. Also front pay and back pay.

Date 8 - 9 - 17

Signature Sandy Wesley Jones

Print name Sandy Wesley Jones

address 2802 Reese Lane

City, State, Zip Azle , Texas 76020

Telephone 817 896 2893

P 47.